

STRATEGIC POLICY FRAMEWORK ON DISABILITY FOR THE POST-SCHOOL EDUCATION AND TRAINING SYSTEM

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Foreword by the Minister

Over the years, the government of the Republic of South Africa has remained committed to making our country a better place for all its people. Founded on the *Bill of Rights*, numerous policy directives and initiatives are aimed at empowering people with disabilities through education, training, skills development and employment; providing support through the country's social grants system; ensuring that all government services are accessible; providing equipment such as wheelchairs and hearing aids and protecting and promoting the rights of people with disabilities.

The South African government condemns the segregation of persons with disabilities from the mainstream of society and emphasises the need for including these persons in the workplace, social environment, political sphere and sports arena. The Department of Higher Education and Training supports this direction and sees the establishment of an inclusive post-school education and training system as a cornerstone of an integrated and caring society of the 21st century.

The South African government remains committed to the targets set in the National Development Plan – Vision 2030 and to the attainment of the two percent (2%) target of people with disabilities having the right skill sets and obtaining relevant qualifications in order to be employed. Currently pro-active steps to ensure that people with disabilities obtain access to post-school education and training opportunities are being taken; infrastructure and services are being upgraded to ensure appropriate accessibility; people with disabilities get the financial support they need to pursue and complete their studies and compliance with equity targets is being improved. Addressing social inequality, including disability issues in all higher education and training institutions, is paramount and will normalise life for people with disabilities and create a better life for all.

The Department of Higher Education and Training has made significant progress towards improving education and training opportunities for people with disabilities by including them in mainstream programmes. Although much has been done in the post-school education and training system, the management of disability rights in post-school education and training remains fragmented and separated from that of existing transformation and diversity programmes at institutional levels. Previously commitment towards people with disability varied considerably between institutions, as did the resources allocated to addressing disability issues.

Until now, there has been no formal policy to address the inclusion of people with disabilities in the PSET system. Therefore this *Strategic Policy Framework on Disability for the Post-School Education and Training System* is necessary to guide the improvement of access to and success in post-school education and training (including at private institutions) for people with disabilities. Through the implementation of this strategic policy framework, transformation and redress with regard to full inclusion, integration and equality for persons with disabilities in the post-school education and training system, will be accelerated.

Ms GNM Pandor, MP

Minister of Higher Education and Training

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‘EVERYONE IS EQUAL BEFORE THE LAW AND HAS THE RIGHT TO EQUAL PROTECTION AND BENEFIT OF THE LAW. EQUALITY INCLUDES THE FULL AND EQUAL ENJOYMENT OF ALL RIGHTS AND FREEDOMS.’

The Constitution of the Republic of South Africa, Article 9 (Act 108 of 1996)

Preamble

The *Universal Declaration of Human Rights* proclaimed by the United Nations General Assembly in Paris on 10 December 1948 (General Assembly resolution 217 A) sets a common standard of achievements for all peoples and all nations. It sets out, for the first time, fundamental human rights to be universally acknowledged and protected. In its preamble, it recognises the inherent dignity and the equal and inalienable rights of all people as the foundation of freedom, justice and peace in the world.

Corresponding to the Universal Declaration, the South African Bill of Rights enshrined in the *Constitution of the Republic of South Africa (Act 108 of 1996)* is the cornerstone of our democracy in South Africa. It enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom. The state, and therefore the Ministry and the Department of Higher Education and Training, with all its institutions, entities and agencies, must respect, protect, promote and fulfil the rights in the Bill of Rights.

All institutions in the Post-School Education and Training System have the responsibility to nurture students and to prepare them for a positive role in a democratic society. We have to have a socially inclusive society that cuts across state boundaries as well as racial, ethnic, gender, disability, national and religious identities to achieve a united human race based on human dignity.

Acronyms

ACHPR	African Commission on Human and Peoples' Rights
CBOs	Community Based Organisations
CET	Community Education and Training
CETMIS	Community Education and Training Management Information System
DBE	Department of Basic Education
DHET	Department of Higher Education and Training
DPOs	Disabled People's Organisations
DRUs	Disability Rights Units
ECD	Early Childhood Development
ESS	Education Support Services
HEIs	Higher Education Institutions
HEDSA	Higher and Further Education Disability Services Association
HEMIS	Higher Education Management Information System
ICT	Information Communication Technologies
MTSF	Medium-Term Strategic Framework
NDP	National Development Plan – Vision 2030
NGOs	Non-Governmental Organisations
NFIPD	National Forum for the Inclusion of People with Disabilities in the PSET system
NSDS	National Skills Development Strategy
NSF	National Skills Fund
NSFAS	National Student Financial Aid Scheme
NSIF	National Social Inclusion Forum
PEPUDA	Promotion of Equality and Prevention of Unfair Discrimination Act (Act 4 of 2000)
PSET	Post-School Education and Training
QASA	Quad-Para Association of South Africa
SADA	South African Disability Alliance
SAFMH	South African Federation for Mental Health
SAHRC	South African Human Rights Commission
SANDA	South African National Deaf Association
SETA	Sector Education and Training Authority
SI-RIM	Social Inclusion Review and Improvement Model
SSS	Student Support Services
StatsSA	Statistics South Africa
TVET	Technical and Vocational Education and Training
TVETMIS	Technical and Vocational Education and Training Management Information System
UK	United Kingdom
UN	United Nations
UNCRPD	United Nations Convention on the Rights of Persons with Disabilities
UPR	Universal Periodic Review (of the UN)
USA	United States of America

Glossary of terms

Affirmative action (in the context of people with disabilities)	Affirmative action is intended to promote the opportunities of people with disabilities within society to give them equal access to that of the majority population.
Assistive devices	Any device, product, equipment or tool that is designed or adapted to enable persons with disabilities to participate in activities, tasks or actions including: (i) mobility aids such as wheelchairs, prostheses and crutches as well as service animals (ii) communication aids such as hearing aids, Frequency Modulation (FM) systems; (iii) sensory aids such as white canes; noise reducing headphones and coloured lenses (iv) technology aids such as computers for alternate and augmentative communication, screen readers, magnifiers, texts in audio format.
Assistive technology	An umbrella term that includes assistive, adaptive and rehabilitative devices and services for persons with disabilities, which enable persons with disabilities and learning differences to attain independence including for example, loop systems, sub-texting, and alternative input for cognitive assistance and computer or electrical assistive devices.
Barrier-free access	<p>Although this term is mostly used in terms of the built and physical environment, the wider use of the term (e.g. in Ontario, Canada) is adopted.</p> <p>Every person has the right to equal treatment with respect to goods, services and facilities, without discrimination or barriers because of their disability.</p> <p>Barrier-free access in the PSET system is therefore in the first instance related to accessible buildings on campus, student housing, public transport used by students, libraries, recreational areas, sporting facilities, etc. Secondly it relates to planning for the removal of barriers to access information and services in and outside learning spaces, as well as equal treatment in services.</p>
Basic services	<p>Any device, product, equipment or tool which is designed or adapted to enable people with disabilities to participate in activities, tasks or actions.</p> <p>One of the key features of a developmental state is to ensure that all citizens, especially the poor and other vulnerable groups have access to basic services. The constitution of the country places the responsibility on government to ensure that such services are progressively expanded to all, within the limits of available resources.</p>
Disability	Disability is defined as the loss or elimination of opportunities to take part in the life of the community, equitably with others, encountered by persons

having physical, sensory, psychological, developmental, learning, neurological or other impairments, which may be permanent, temporary or episodic in nature, thereby causing activity limitations and participation restriction within mainstream society. These barriers may be due to economic, physical/structural, social, attitudinal and/or cultural factors.

Discrimination Discrimination is any act or omission, including a policy, law, rule, practice, condition or situation which directly or indirectly (a) imposes burdens, obligations or disadvantages on; and/or (b) withholds benefits, opportunities or advantages from any person on one or more of the prohibited grounds which include disability and any other ground that might disadvantage a person, undermine human dignity or adversely affect an individual's rights and freedoms.

Disability discrimination Discrimination on the basis of disability means any distinction, exclusion or restriction on the basis of disability, which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, on all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It encompasses all forms of unfair discrimination, whether direct or indirect, including denial of reasonable accommodation.

Disability mainstreaming Disability mainstreaming requires a systematic integration of the priorities and requirements of persons with disabilities across all sectors and to be built into new and existing legislation, standards, policies, strategies, their implementation, monitoring and evaluation.

Enabling environment Interrelated physical and other infrastructure, built environments, culture, laws, policies, information and communication technologies, and organisations that must be in place to facilitate the socio-economic development of persons with disabilities.

Equality Equality refers to the full and equal enjoyment of rights and freedoms as contemplated in the Constitution of the Republic of South Africa and includes equality according to the law and in terms of outcomes. It ensures that individuals or groups of individuals are treated fairly and equally and no less favourably, specific to their requirements. It is the right of different groups of people to expect respect for their social position and receive equitable treatment in society.

Equality is the removal of discrimination that ensures all opportunities and life chances are available to persons with disabilities on an equitable basis with others. Measurements of equality might address changes in the outcomes of a particular policy, programme or activity or changes in the status or situation of persons with disabilities, such as levels of poverty or participation. The equality indicators must be responsive to age, disability,

gender, race, and income differences. Equality indicators will be used to hold institutions from all sectors of society accountable for their commitments.

Equality under the Promotion of Equality and Prevention of Unfair Discrimination Act (Act 4 of 2000) includes 'the full and equal enjoyment of rights and freedoms as contemplated in the Constitution and includes de jure and de facto equality and also equality in terms of outcomes.'

Exclusion

Exclusion refers to the act of socially isolating or marginalising an individual or groups on the basis of discrimination by not allowing or enabling them to fully participate and be included in society and enjoy the same rights and privileges as others. This devaluation and exclusion of individuals or groups results in keeping 'others' outside from the prevailing social system and thus restricting their access to material, social, economic and political resources and rights.

Exclusion consists of dynamic, multidimensional processes driven by unequal power relationships interacting across economic, political, social and cultural dimension and at different levels, including individual, household, group, community, country and global levels. It results in a continuum of exclusion often characterised by unequal access to resources and material inequalities, extreme loneliness, loss of self-esteem, etc.

Impairment (as depicted in the medical model of disability)

Impairment is used to refer to the actual attributes (or lack of attributes), the abnormality of a person, whether in terms of limbs, organs or mechanisms, including psychological disabilities/shortcomings.

Inclusion

Inclusion is regarded as a universal human right and aims at embracing the diversity of all people irrespective of race, gender, disability or any other differences. It is about equal access and opportunities and eliminating discrimination and intolerance for all. It is about a sense of belonging: feeling respected and valued, feeling a level of supportive energy and commitment from others in order to fully participate in society with no restrictions or limitations.

Inclusion implies a change from an individual change model to a 'system change model' that emphasises that society has to change to accommodate diversity, i.e. to accommodate all people. This involves a paradigm shift away from the specialness of people to the nature of society and its ability to respond to a wide range of individual differences and needs. Inclusion is the ultimate objective of mainstreaming.

Institutions (as used in the *Strategic Disability*

For the purpose of this *Strategic Disability Policy Framework*, the wider definition of 'institution' is adopted, referring to all institutions and programmes in the PSET system, including the DHET and regional offices,

<i>Policy Framework)</i>	public and private institutions (universities, TVET and CET colleges and skills providers), agencies and entities.
People with disabilities (as used in the <i>Strategic Policy Framework on Disability)</i>	For the purpose of this <i>Strategic Policy Framework on Disability for the PSET System</i> , the wider use of ‘people’ is adopted. When the document refers to institutions in specific, ‘people’ refers to staff and students.
Personal assistance services	A range of services, provided by one or more persons and/or service of animals designed to assist an individual with a disability to perform daily activities that the individual would typically perform if the individual did not have a disability. Such services must be designed to increase the individual’s control of life. It removes the element of discrimination and segregation by providing for equal participation. (Personal Assistants include amongst others, personal aides, guides, note-takers, interpreters for deaf-blind persons, sexual and intimacy assistants, service dogs, guide dogs.)
Reasonable accommodation	Reasonable accommodation refers to necessary and appropriate modification and adjustments, as well as assistive devices and technology. People with disabilities should not be excluded from a situation, where the enjoyment or exercise on an equal basis with others is available.
Universal access	Universal access means the removal of cultural, physical and other barriers that prevent people with disabilities from entering, using or benefiting from the various systems of society that are available to other citizens. The absence of accessibility or the denial of access is the loss of opportunities to take part in the community on an equal basis with others. Universal access is a concept that addresses accessibility issues by offering an integrated philosophy which observes inclusion and accessibility as key components of developing a barrier-free education and training environment in the PSET system.
Universal design	Universal design is the design of products, environments, programmes and services to be usable by all persons to the greatest extent possible without the need for adaptation or specialised design. Universal design is in the context of the Strategic Disability Policy Framework incorporated in the principle of accessibility and is the most important tool to achieve universal access.



Strategic Policy Framework on Disability for the Post-School Education and Training System

Part 1

‘TO TAKE ALL APPROPRIATE MEASURES TO ELIMINATE DISCRIMINATION ON THE BASIS OF DISABILITY BY
ANY PERSON, ORGANISATION OR PRIVATE ENTERPRISE’

UN Convention on the Rights of Persons with Disabilities
Article 4(e)



1. INTRODUCTION

1.1 Background

The Minister of Higher Education was mandated by the President in 2010 to develop a skilled and capable workforce to support an inclusive growth path (Outcome 5 of the Delivery Agreement). It is critical that disability is appropriately addressed along with all other areas of transformation within the Post-School Education and Training (PSET) system in South Africa. The Department of Higher Education and Training (DHET) acknowledges the right of people with disabilities to enjoy equal opportunities and to participate fully in the life of the country. Of the major pillars of the national transformation agenda of South Africa, disability has been acknowledged as the area where change has not kept pace with other areas.

The following assumptions underpin the policy framework:

1. The needs of people with disabilities are not fully addressed in the context of post-school education and training (PSET).
2. These needs require to be approached from a human rights and social developmental perspective.
3. Gross neglect and discrimination are still taking place within the private and public spheres of the PSET system.
4. All cultures have traditional and customary practices that have subjected and still subject many people with disabilities to limitations and forms of discrimination.
5. The management, resourcing and funding for disability rights in PSET remains fragmented and separate from that of existing transformation and diversity programmes at institutional levels.
6. A *Strategic Policy Framework on Disability for the Post-School Education and Training System* has to be developed together with people with disabilities in the spirit of 'nothing for us without us'.
7. The state has a key role to play as an agent of transformation of society working with people with disabilities.
8. The empowerment of people with disabilities is critical in achieving an equitable and inclusive society.

The DHET's approach to disability rights is informed and guided by the

- *Universal Declaration of Human Rights* (1948)
- *United Nations (UN) International Convention on the Rights of Persons with Disabilities* (UNCRPD)(2006)
- The South African *Bill of Rights* enshrined in the *Constitution of the Republic of South Africa* (Act 108 of 1996)
- The *White Paper on the Rights of Persons with Disabilities* (2015)



- The *White Paper for Post-School Education and Training* (2014)
- Other relevant national legislation and regulations
- The ***Strategic Policy Framework on Disability for the Post-School Education and Training System*** is aligned with the disability-inclusive Sustainable Development Goals, adopted by the United General Assembly in September 2015.

This approach seeks to operationalise the objectives of existing legislative and policy documents and builds on the numerous programmes that are initiated by national and provincial departments, agencies, institutions and by non-governmental organisations (NGOs) and community-based organisations (CBOs).

1.2 Rationale for the Strategic Policy Framework on Disability for the Post-School Education and Training System

At the launch of the *White Paper for Post-School Education and Training* on 16 January 2014, the Minister of Higher Education and Training, Dr BE Nzimande, MP announced the rationale for the development of the Strategic Policy Framework on Disability for the Post-School Education and Training System. He argued that despite international and national conventions, legislation, policies and guidelines, the 'management of disability in post-school education remains fragmented and separate to that of existing transformation and diversity programmes at the institutional level. Individual institutions determine unique ways in which to address disability, and resourcing is allocated within each institution according to their specific programmes.' The levels of commitment towards people with disabilities varied considerably between institutions, as did the resources allocated to addressing disability issues. This is specifically the case within sectors such as tertiary education.

Most Technical and Vocational Education and Training (TVET) colleges lack the capacity, or even the policies, to cater for students and staff with disabilities. The newly established Community Education and Training (CET) colleges are further behind. Greater attention should be given to ensuring that these colleges improve their capacity to accommodate and serve students and staff with disabilities.

Furthermore, the skills development space also does not adequately respond to the inclusion imperatives of people with disabilities. Very little attention is given to strategic documents such as the National Skills Development Strategy (NSDS) III, and Sector Education and Training Authorities (SETAs) which do not have disability targets to achieve.

Therefore a *Strategic Policy Framework on Disability for the Post-School Education and Training System* is necessary to guide the improvement of access to and success at PSET institutions and programmes [including in private institutions] for people with disabilities.



The *Strategic Policy Framework on Disability for the Post-School Education and Training System* creates an enabling and empowering environment across the PSET system. This includes, but is not limited to setting norms and standards for the inclusion of students and staff with disabilities in all aspects of university, college and skills development life, including academic studies, culture, social life, sport and accommodation.

1.3 Purpose of the *Strategic Policy Framework on Disability for the Post-School Education and Training System*

The *Strategic Policy Framework on Disability for the Post-School Education and Training System* intends to create an inclusive PSET system for people with disabilities, guide PSET institutions in the creation of an enabling environment for people with disabilities; and provide the DHET with a monitoring and evaluation instrument to ensure that disability compliance is mainstreamed in all PSET institutions.

This policy framework also aims to realise the goals of the *White Paper on the Rights of Persons with Disabilities* in PSET institutions and ensure the mainstreaming of people with disabilities in the PSET system.

Through this *Strategic Policy Framework on Disability for the Post-School Education and Training System*, the DHET is creating an enabling environment for inclusion and mainstreaming of people with disabilities in PSET system that will ensure that disability-related policies and guidelines are implemented and monitored.

1.4 Scope of the *Strategic Policy Framework on Disability for the Post-School Education and Training System*

Emanating from the purpose statement, the *Strategic Policy Framework on Disability* covers all institutions and programmes in the PSET system, including the DHET and regional offices, public and private institutions (universities, TVET and CET colleges and skills providers), agencies and entities.

The *Strategic Policy Framework on Disability* covers three critical areas of access: the enabling environment, coordination and cooperation.

1.5 Structure of the *Strategic Policy Framework on Disability for the Post-School Education and Training System*

The *Strategic Policy Framework on Disability for the Post-School Education and Training System* is organised in four main sections:

- Introduction



- Conceptual framework
- Strategic intent
- Policy implementation.

The introduction provides the background to the *Strategic Policy Framework on Disability* and argues the rationale for the *Strategic Policy Framework on Disability*. It states the purpose and scope of the *Strategic Policy Framework on Disability*. Lastly, it outlines the policy development process that has been followed to develop the *Strategic Policy Framework on Disability*.

The conceptual framework defines disability and standardises the definition of disability for the purpose of the *Strategic Policy Framework on Disability*. It describes and addresses the model and approach adopted nationally and internationally that guides mainstreaming and the inclusion of people with disabilities. In this context it is also necessary to address changing attitudes to people with disabilities.

It then outlines the principles that underpin the *Strategic Policy Framework on Disability*. It presents a brief overview of the international context and trends, the relevant legislative and policy context, and a brief situational analysis of mainstreaming people with disabilities in the PSET system in South Africa.

The next section states the *Strategic Policy Framework on Disability's* strategic intent, together with the evidence base for policy making and implementation. It formulates the vision and outcomes of the *Strategic Policy Framework on Disability* and outlines the implementation challenges faced. From these challenges it formulates three broad strategic objectives. Each one of these strategic objectives covers a set of policy directives and statements that will be contained in the implementation strategy and high-level plan.

This section concludes by specifically outlining the importance of systematic monitoring and evaluation as well as advocacy and communication.

The last section on policy implementation provides a high-level implementation strategy to guide the operationalisation of the *Strategic Policy Framework on Disability*. It identifies the critical areas for action and institutional arrangements to give effect to the *Strategic Policy Framework on Disability*. It also formulates the policy instruments and steering mechanisms to be used in implementation, viz.: planning, funding, building and disseminating information, building a knowledge base, the means by which the effectiveness of the interventions is to be evaluated over the short, medium and long term, and the mandated coordination and strategic leadership that will be required.

1.6 Policy Development Processes

In January 2014 the Minister of Higher Education and Training, Dr BE Nzimande, MP launched the *White Paper for Post-School Education and Training* for building an expanded, effective and integrated PSET system. In this policy, which acknowledges the continued existence of barriers



that discourage people with disabilities from entering, participating and succeeding at post-school education and training institutions, emphasis is placed on the need for expanded disability support for the entire PSET system. A recommendation was made for the development of a strategic policy framework to guide the improvement of access to and success in post-school education and training for people with disabilities.

In December 2014, the Minister appointed a Ministerial Committee to: 'develop a *Strategic Policy Framework on Disability* for all Colleges, Technical and Vocational Education and Training (TVET) Colleges, Community Colleges and Higher Education institutions of all types; and ensure that the diverse field of disability is catered for in the PSET system as articulated in the White Paper for PSET.'

Sixteen distinct tasks were assigned to the Ministerial Committee and they had to be completed by June 2015. However, the Ministerial Committee requested an extension of three months to September 2015.

The Ministerial Committee had representation from a broad range of stakeholders including universities, Epilepsy South Africa, Autism Adults, the South African Disability Alliance (SADA), and the African Union of the Blind (AFUB), the South African Federation for Mental Health (SAFMH), the South African National Deaf Association (SANDA), and the Quad-Para Association of South Africa (QASA). The Departments of Social Development, Basic Education and the National Treasury were represented on the Ministerial Committee. These and other departments and stakeholders were widely consulted during the development of their report.

The Ministerial Committee completed the *Ministerial Report: Strategic Disability Policy Framework in the Post-School Education and Training System* that makes recommendations towards a *Strategic Policy Framework on Disability for the Post-School Education and Training System* on 10 September 2015.

The DHET consulted the Ministerial Report widely and published it for public comments (Government Notice No 1410 of 2016, 18 November 2016). Further consultation has taken place on the draft *Strategic Policy Framework on Disability for the Post-School Education and Training System* with universities, TVET colleges and the planning, policy and strategy branches of the DHET; DHET entities; relevant government departments; relevant non-government organisations (NGOs) and national organisations for persons with disabilities.

Based on the policy recommendations made in the Ministerial Report, the White Paper for Post-School Education and Training (2014), as well as the outcomes of a Socio-Economic Impact Assessment (SEIAS) done on the viability of the *Strategic Policy Framework on Disability*, the DHET developed the *Strategic Policy Framework on Disability for the Post-School Education and Training System*.



Strategic Policy Framework on Disability for the Post-School Education and Training System

Part 2

‘THE VISION OF THE FREEDOM CHARTER – A SOUTH AFRICA THAT BELONGS TO ALL WHO LIVE WITHIN IT WILL ONLY BE REALISED IF WE TAKE INDIVIDUAL AND COLLECTIVE RESPONSIBILITY TO ENSURE THAT PEOPLE WITH DISABILITIES CONTRIBUTE EQUALLY TO AND BENEFIT EQUALLY FROM OUR EFFORTS TO REDUCE INEQUALITY, ERADICATE POVERTY AND CREATE DECENT WORK.’

Hon Hendrietta Bogopane-Zulu, MP
Deputy Minister of Social Development



2. CONCEPTUAL FRAMEWORK

2.1 Defining 'disability'

According to the *UN Convention on the Rights of Persons with Disabilities*, disability is 'an evolving concept and disability results from the interaction between persons with impairments and attitudinal and environmental barriers'. It recognises persons with disabilities as those persons who have long-term physical, mental, intellectual, neurological, psychological or sensory impairments which, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others. It is important to note that disability is defined within the context and/or purpose as a term used for service delivery, education and training, social security, employment equity, etc.

Persons with disabilities have deduced that definitions tend to become mechanisms that are used to exclude and marginalise them, rather than as enabling tools for positive action, development and social integration.

According to the *Employment Equity Act (Act No 55 of 1998)* in South Africa, people with disabilities are defined as people who have a long-term or recurring physical (including sensory), or mental impairment which substantially limits their prospect of entry into or advancement in employment.

Although the *UNCRPD* and the *White Paper on the Rights of Persons with Disabilities* do not attempt to define disability per se, but rather recognise disability as an evolving concept imposed by society when a person with a disability is denied access to full participation in all aspects of life and when society fails to uphold the rights and specific needs of them, the DHET adopted the *Job Access Strategy (2006 to 2010)* and the *National Development Plan 2030 Persons With Disabilities as Equal Citizens'* definition as a working definition.

South Africa embraced the social definition of disability and defines it as: '...the loss or elimination of opportunities to take part in the life of the community, equitably with others that is encountered by persons having physical, sensory, psychological, developmental, learning, neurological or other impairments, which may be permanent, temporary or episodic in nature, thereby causing activity limitations and participation restriction with mainstream society.' These barriers may be due to economic, physical/structural, social, attitudinal and/or cultural factors.

This definition and other related definitions (and those that may evolve) share certain common elements even if they emphasise or word them differently. Common elements include:

- the presence of impairment
- internal and external limitations or barriers which hinder full and equal participation
- focus on the abilities of the person with a disability
- loss or lack of access to opportunities owing to environmental barriers and/or negative perceptions and attitudes of society.



The social model of disability adopted in the *Strategic Policy Framework on Disability for the Post-School Education and Training System*

Contemporary approaches to disability have tended to adopt a more critical interpretation of disability that emphasises disability as a form of social inequality or disadvantage resulting from oppressive social structures and processes, rather than from individual differences (individual model) or biology (medical model). This social interpretation provides new ways of thinking about disability and offers different ways of understanding and learning about the situation of disabled people in society.

The social model of disability is a reaction to the dominant medical model of disability 'which in itself is a functional analysis of the body as machine to be fixed in order to conform to normative values'. This model argues that disability is caused by the way society is organised, rather than by a person's impairment or difference. It identifies systemic barriers, negative attitudes and exclusion by society (purposely or inadvertently) which means that society is the main contributory factor in disabling people.

While physical, sensory, intellectual, or psychological variations may cause individual functional limitations or impairments, these do not have to lead to 'disability in society' unless society fails to take account of and include people regardless of their individual differences.

A fundamental aspect of the social model concerns equality. The model explores ways of removing barriers that restrict life choices for people with disabilities. When barriers are removed, people with disabilities can be independent and equal in society, with choice and control over their own lives.

The social model of disability focuses on changes required in society. These might be in terms of:

- **attitudes** of people towards disabilities and the value of the potential quality of life of people with disabilities
- social **support** to people with disabilities, including access to services, information, resources, aids and 'affirmative action' to overcome barriers
- **information** in suitable formats (e.g. braille), levels (e.g. simplicity of language) or coverage (e.g. explaining issues others may take for granted)
- physical **infrastructure**
- flexibility in **time**.

Additional to the above, specific changes required in the PSET system are creating a standardised enabling environment in all PSET institutions and programmes to include people with disabilities; to develop accessible learning, recreation and support environments and to coordinate and cooperate across the PSET system in order to mainstream disability.

The strategic objectives of the *Strategic Policy Framework on Disability* address the general and specific changes as described in the social model of disability.



2.2 Key considerations of the *Strategic Policy Framework on Disability for the Post-School Education and Training System*

2.2.1 Human rights approach

According to section 9(3) of Chapter 2 (the Bill of Rights) of the Constitution dealing with equality, the state may not unfairly discriminate directly or indirectly against anyone in terms of race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth. The DHET asserts that the inclusion of disability equity in the Bill of Rights underscores its status as a human rights issue and thus the violation of the rights of people with disabilities should be regarded as a human rights violation.

The *UNCRPD* and the *White Paper on the Rights of Persons with Disabilities* adopted the 'Human Rights Approach' to disability. It acknowledges the protection and promotion of the human rights of persons with disabilities and that the state must ensure and promote the full realisation of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind, on the basis of the disability, and to protect all persons against violation of their human rights.

Whilst institutions in the PSET system throughout South Africa have made progress in addressing the rights for reasonable accommodation for and services to persons with disabilities, much still needs to be done. Furthermore, government, through the *Job Access Strategy (2006 – 2010)*, has committed to employment equity (according to the *Employment Equity Act (No 55 of 1998)*), reasonable accommodation and accessible buildings and to ensure that the human rights of persons with disabilities are protected.

2.2.2 Mainstreaming and inclusion

The DHET embraces the principle of mainstreaming and inclusion of people with disabilities. Mainstreaming is, within the context of a rights discourse and sustainable development, about dignity, self-worth, autonomy and self-determination. Mainstreaming requires commitment at all levels and needs to be considered across all sectors and built into new and existing legislation, standards, policies, strategies and plans. Disability mainstreaming is the process through which governments and other stakeholders ensure that persons with disabilities participate equally with others in any activity and service intended for the general public. The mainstreaming approach to disability requires that all planning, support, activities, financial/budget implications associated with meeting the needs of people with disabilities, are factored into the overall and main budget.

Inclusion embraces the diversity of all people irrespective of race, gender, disability or any other differences. It is about equal access and opportunities and eliminating discrimination and intolerance for all. It is about a sense of belonging: feeling respected and valued; feeling a level



of supportive energy and commitment from others so that the disabled person can best fully participate in society with no restrictions or limitations.

Inclusion implies a change from an 'individual change model' to a 'system change model' that emphasises that society has to change to accommodate diversity, i.e. to accommodate all people. This involves a paradigm shift away from the specialness of people to the nature of society and its ability to respond to a wide range of individual differences and needs. Inclusion is the ultimate objective of mainstreaming.

2.2.3 Changing attitudes towards people with disabilities

Barriers experienced by people with disabilities are not just physical. Attitudes found in society based on prejudice or stereotype, or disablism, also 'disable' people from having equal opportunities to be part of society.

One of the key aims of this *Strategic Policy Framework on Disability* is to address changing attitudes to people with disabilities, to embrace and support them as full participants in the PSET system.

2.3 Key principles

The key principles reflected below underpin the *Strategic Policy Framework on Disability* and consolidate the principles set out in Article 3 of the *UNCRPD*, the principles contained in the Bill of Rights in the *Constitution of the Republic of South Africa* (Act 108 of 1996) and the key principles and considerations set out in the *White Paper on the Rights of Persons with Disabilities*. The key consideration that underpins all these principles is 'social inclusion' that supports the approach of mainstreaming disability issues within the context of the PSET system; therefore actively eradicating discrimination against people with disabilities in the PSET system and in society is mandatory. It is important to note that the principles are often inter-related and that one cannot apply one of the principles in the absence of other principles. The key principles summarised are:

- equal rights
- self-respect and self-sufficiency
- social inclusion and mainstreaming
- right to self-representation
- accessibility
- the right to support systems
- enhanced collaboration
- equitable resource allocation.



2.4 International context and trends

It is standard practice to critically compare international trends, (in this instance in the area of disability), to South Africa's own vision of building an expanded, effective and integrated PSET system. In doing so, cognisance should also be taken of our unique post-apartheid socio-economic reality. The implementation of disability rights in South Africa should be seen against its own unique political, social and legislative background.

Much research has been done internationally relating to barriers and/or difficulties experienced by people with disabilities. Barriers fall along a continuum of learner differences and often share similar challenges and difficulties that all students and staff face.

Studies and articles document a universal broad range of positive and negative experiences encountered by students and staff with disabilities in post-school education and training internationally. These include:

- The experiences of students and staff with disabilities vary - some encounter significant barriers, others are not aware of any, some find the support they receive highly praiseworthy and others find it does not meet their needs at all.
- Findings suggest that using a catch-all category 'disabled students/staff/people' is problematic and that devising generic policies to support their teaching, learning and assessment may not always meet the specific needs of individuals - individual assessment of needs and discussions with the individual are important.
- Not many students experience barriers in the modes of teaching - the nature of the difficulties the students identified vary but include issues involving attendance, note-taking, participation, confidence, concentration, and the longer time it takes them to complete tasks.
- Barriers were more prevalent when it comes to assessment practices, ranging between one- to two thirds of the students experiencing some form of difficulty with assessment methods.

2.4.1 International trends

(a) Legislative and policy compliance

Legislative and policy compliance and an understanding of the business case for dealing with disability equity issues, have internationally assisted with the progress made in many countries. Legislation and policies at country level is fundamental in promoting the rights of persons with disabilities. While the importance - and increasing role - of international law in promoting the rights of persons with disabilities is recognised by the international community, domestic legislation remains one of the most effective means of facilitating social change and improving the status of disabled persons. International norms concerning disability are useful for setting common standards for disability legislation. Those standards also need to be appropriately reflected in policies and programmes that reach persons with disabilities and can effectively achieve positive changes in their lives.



(b) Focus on access, retention and success of students with disabilities

Services and support are key to the success of any student. Institutions are carefully monitoring the progress of students with disabilities and Disability Support Office services assist with the development of their self-determination and self-management skills.. Students with disabilities collectively build an understanding of how to access and use accommodation, of the importance of utilising accommodation after they have disclosed their status, and how to access information and services. Initiatives such as support groups, training modules and use of peer mentors are emerging in this respect. Self-management skills requested by students include areas such as time management, goal setting skills and study skills. A lack of these skills can interfere with students' academic autonomy.

(c) Increased move to inclusive policies and practices

Worldwide, institutions are seeking to move towards more inclusive policies and practices and away from remedial interventions. By 'inclusion' is meant the enabling of full and equitable participation in and progression through the PSET system for all prospective and existing students and staff.

(d) Self-disclosure and identification

In most countries in the developed world, prospective students with disabilities are prepared from early in their school life to function in a mainstreamed environment and to be self-sufficient. It is therefore expected of students with disabilities to identify and disclose their status and their study, information and accommodation needs to the institutional authorities. The international experience, however, shows that often students are still unprepared to disclose their status or lack the understanding of how to access services on campus which impacts on their utilisation of services and ultimately their academic progress.

(e) Building of institutional capacity to mainstream people with disabilities

Two components that are emerging are, firstly, the need to create more awareness with staff about disability issues and how to respond appropriately to the needs of students, and, secondly, the need to incorporate concepts of universal design into faculty instruction and curricula that ultimately benefit all students in their learning process. Helping to create instructionally accessible environments is critical and a growing theme of professional development activities on campuses around the world. Universal design is an educational approach for instructing all students through developing flexible classroom materials, using various technology tools, and varying the delivery of information or instruction.

Infusing universal design techniques as part of information dissemination for diverse learners, including students with disabilities, proved to be an effective strategy for faculty professional development. It has a significant resource implication to provide appropriate staff for a disability support office and the skills and competencies required by such staff members. By implication



they would need to play a much bigger advocacy role and give guidance on principles and practical application of universal design methodologies to empower faculty staff.

(f) Institutional specialisation

Within the legislative and policy context, some universities are starting to emerge as being particularly disability-confident and competent. Reasonable adjustments are being made to facilitate learning, employment and to encourage participation in university life for all who come to work or study there. It also includes a highly consultative approach involving committees chaired by senior university role-players, a state-of-the-art access audit of all their facilities, collaboration with other universities and the quantitative analysis of their staff and student profiles over an extended period of time.

(g) Institutional self-review and monitoring

A balance score card mechanism exists in many countries for ensuring delivery by all role players, commitment and outcome.

(h) Emerging models of service delivery

Internationally, great emphasis is put on service delivery for students with disabilities. Disability Offices/ Disability Support Services Offices, amongst others, assist students with disabilities with registration procedures, carry out assessments of needs, and do direct coaching, consultation and monitoring. They also assist with applications for the Disabled Students' Allowance, and have a range of assistive equipment and furniture available for students to use. They also determine appropriate academic adjustments, such as programme and examination modifications, classroom accommodation and auxiliary aids for their students with disabilities.

A range of international models and services are emerging to assist students with disabilities. These are:

- privately owned support services rendered either through for-profit or non-profit organisations offering extensive support to students with disabilities
- support and services as part of a Disability Support Office on campus
- partnerships between Disability Support Offices and other external role players.

There is increased visibility of the Disability Support Offices observed. Disability Support Offices are visiting schools to identify and talk to prospective students; they are part of the advocacy campaign of the institution and widely communicated to the community, prospective students and existing students. Most institutional websites contain detailed provisions on the services of these units and guidelines to students, parents and staff. The aim is not only to showcase their range of services offered, but also to market the institutions as possible centres of excellence, offering an inclusive learning environment for students with disabilities. This trend serves as a useful benchmark for South African institutions concerning service offerings as well as positioning development for the future.



(i) Increased use of assistive technologies

Assistive technology is an umbrella term that covers everything from pencil grips to the latest tablets and includes Information and Communication Technologies (ICT), specialised technology and assistive devices.

Technology is helping to lower many of the barriers experienced by people with disabilities. By using computing technology for tasks such as reading and writing documents, communicating with others, and searching for information on the internet, students and employees with disabilities are capable of handling a wider range of activities independently. The barriers experienced by people with disabilities in using technology are acknowledged and include barriers to providing computer input, interpreting output, and reading supporting documentation. Hardware and software tools (known as adaptive or assistive technologies) have been developed to provide functional alternatives to these standard operations.

Specific products and approaches to using ICT are used on a daily basis to help in the lives of people with disabilities such as using tablets to speak, using voice control to navigate smartphones, improving communication skills of people with autism, and 'Assistive Touch' technology that allows people with motor control problems to use smartphones and tablets in different ways through tapping on the screen. These are just a few examples of how ICT is differently used by people with disabilities.

Services that assist with the exploration and provision of technology and assistive devices to students are essential and increasingly seen internationally as part of the basic services to people with disabilities.

(j) Broadened collaboration and networking support opportunities

Another interesting development internationally is the broadened collaboration and networking support opportunities for PSET institutions. Regional formations are established which aim to explore the experiences of students with disabilities and to obtain evidence of regional, national and local policy, guidance and best practice.

(k) Governmental funding

The issue of governmental funding has received a lot of attention internationally and various models have started to emerge. Governments allocate budget not only for students with disabilities, but also for institutions that are attracting more students with disabilities and for their successful completion of degrees. This works as an incentive for universities not just to enrol, but to retain students until successful completion of their chosen degrees. This funding filters down the tertiary institution itself and faculties also receive funding for attracting more students and for increasing the number of students with disabilities who successfully complete their degrees. Individual teaching staff members are provided with incentives for their teaching expertise acquired and appropriate behaviour exhibited in relation to students with disabilities.



Examples of funding provided include accessible open and online learning, inclusive curriculum design, accessible assessment, developing strategies for inclusivity, and managing off-campus learning for students with disabilities.

Apart from private, community and institutional funding schemes for students with disabilities, government-funded student financial aid schemes are prevalent in many countries.

2.4.2 International conventions and treaties

The *Strategic Policy Framework on Disability* is informed by a range of international and regional treaties and protocols ratified by South Africa. Although the *Strategic Policy Framework on Disability* in particular guides the mainstreaming and implementation of initiatives for people with disabilities in the PSET system, relevant international and regional treaties and protocols protecting and promoting the rights of people apply equally to persons with disabilities.

The right to education is a well-established universal human right, underpinned by international human rights treaties and conventions. From the *Universal Declaration of Human Rights* that upholds the right to education for all persons (1948), to the most recent *UNCRPD* adopted in 2006 that recognises the principle of equality in education for persons with disabilities, education is seen as a means and a condition to enhance individual development, life chances and effective participation in society for persons with disabilities. **Annexure A** reflects the key international legal documents relevant to the education and training for persons with disabilities that is not included in this section.

Whilst a range of relevant international and regional treaties and protocols informed the *Strategic Policy Framework on Disability*, the following are highlighted:

(a) United Nations Convention of the Rights of People with Disabilities

The *UNCRPD* of 2008 builds upon the previous gains made for people with disabilities, such as:

- the World Programme of Action Concerning Disabled People (1982)
- the United Nations Standard Rules on the Equalisation of Opportunities for People with Disabilities (1993)
- the International Covenant on Economic, Social and Cultural Rights (1966)
- other international covenants against discrimination.

The *UNCRPD* provides the overarching framework for a concerted national effort to empower people with disabilities. It acknowledges that 'weaknesses in the governance machinery of the state, and capacity constraints as well as lack of coordination within the disability sector, have detracted from a systematic approach to the implementation of the *UNCRPD*. The continued vulnerability of persons with disabilities (particularly children), as well as persons with psychosocial disabilities, residing in rural villages, requires more vigorous and better coordinated and targeted intervention'.

The Parliament of South Africa is party to the *UNCRPD* and the Optional Protocol to the *UNCRPD* that was signed on 30 March 2007 and ratified on 30 November 2007. It realised South



Africa's commitment to design and provide equitable and just services to people with disabilities. The Parliamentary ratification of the Convention makes all of government, in this case all offices, institutions, entities, agencies and organisations in the PSET system legally obliged to make this commitment.

(b) 2030 Agenda for Sustainable Development

The *2030 Agenda for Sustainable Development* includes as a goal, the inclusive quality approach to education 'Ensure inclusive and equitable quality education and promote life-long learning opportunities for all (Goal 4)'. It also includes two targets focusing on persons with disabilities: target 4.5. 'by 2030, eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples, and children in vulnerable situations' and, under means of implementation, target 4.a 'build and upgrade education facilities that are child, disability and gender sensitive and provide safe, non-violent, inclusive and effective learning environments for all'.

(c) Global Status Report on Disability and Development

The *Global Status Report on Disability and Development* (2015) provides (in Chapter 2) a historical overview of the UN's work on disability and development and focuses in Chapter 4 specifically on education.

(d) UN Universal Periodic Review

South Africa was last reviewed by the Universal Periodic Review (UPR) on 31 May 2012. During this session none of the 29 recommendations, made by the recommending states, mentioned disability rights.

(e) African Union Continental Plan of Action for the African Decade of Persons with Disabilities - 2010 – 2019

The *African Decade of Persons with Disabilities* (1999-2009) was adopted by the 35th Session of the Organisation of African Unity Assembly of Heads of State and Government held in Algiers, Algeria in July 1999. The 1st AU Conference of Ministers of Social Development, which convened in Windhoek, Namibia, 27-31 October 2012, extended the African Decade of Persons with Disabilities for the period 2010-2019. The goal of the African Decade of Persons with Disabilities (2010 – 2019) is the full participation, equality and empowerment of people with disabilities in Africa.

(f) Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa indent

The African Commission on Human and Peoples' Rights (ACHPR) has adopted a *Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa*



(2016), intended to complement the African Charter on Human and Peoples' Rights and address continued exclusion, harmful practices, and discrimination affecting those with disabilities, especially women, children, and the elderly. The protocol, adopted during the ACHPR's 19th Extraordinary Session on 25 February 2016 in Banjul, The Gambia, is the culmination of the African Union's focus on the rights of persons with disabilities, which began in 1999 with the declaration of the African decade for persons with disabilities and the creation of a Working Group tasked with drafting this new instrument.

The protocol guarantees equal protection of economic, social, cultural, civil, and political rights to individuals with 'physical, mental, intellectual, developmental or sensory impairments' and will require state parties to implement affirmative actions to advance equality. The intent in drafting the protocol was to lay out the rights of persons with disabilities in a continental context, drawing from the UNCRPD, and addresses issues faced by persons with disabilities in Africa, such as increased rates of poverty, systemic discrimination and the risk of violence and abuse, particularly for those with albinism and women and girls with disabilities. The protocol also seeks to provide a foundation from which member states can formulate or adjust legislation impacting persons with disabilities.

In Article 12 of the draft protocol, the right to education is outlined. Specific to the PSET system it includes:

1. Every person with a disability has the right to education.
2. State parties should ensure that persons with disabilities have the right to education on an equal basis with others. Persons with disabilities shall on no account be presumed to be uneducatable or untrainable.
3. The education of persons with disabilities should be directed to
 - a) the full development of human potential, sense of dignity and self-worth
 - b) the development of their personalities, talents, skills, professionalism and creativity, as well as their mental and physical abilities, to their fullest potential
 - c) educating persons with disabilities in a manner that promotes their participation and inclusion in society and
 - d) the preservation and strengthening of positive African values.
4. State parties should take appropriate and effective measures to ensure that inclusive quality education for persons with disabilities is realised fully, by
 - (a) ensuring that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others, including ensuring the literacy of persons with disabilities who are above compulsory school age
 - (b) ensuring reasonable accommodation of the individual's requirements, and that persons with disabilities receive the support required to facilitate their effective education
 - (c) ensuring effective individualised support measures in environments that maximise academic and social development, consistent with the goal of full inclusion



- (d) ensuring that persons with disabilities learn life and social development skills to facilitate their full and equal participation in education and as members of the community
- (e) ensuring multidisciplinary assessments to determine appropriate reasonable accommodation and support measures for learners with disabilities, and regular assessments and certification of students, regardless of their disabilities
- (f) training education professionals, including persons with disabilities, on how to educate and interact with children with specific learning needs
- (g) facilitating respect, promotion, preservation and development of sign languages.

The next step is to transmit the above criteria to the treaty-making process of the African Union, through which it can become a binding legal instrument open to ratification by member states.

All international human rights instruments commit to the inclusion of people with disabilities in mainstream life. Examples are the *Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa* (2003); the *Abuja Declaration on HIV/AIDS, Tuberculosis and other Related Infectious Diseases* (2001) and the *Abuja Call for Accelerated Action towards Universal Access to HIV and AIDS, Tuberculosis and Malaria Services by 2010*, to name only three.

2.5 The South African context

2.5.1 Historical overview

Historically there was a dominant mainstream system for 'normal' learners and a secondary system of specialised education for learners with so-called special needs. In the latter system very often, the curricula were inappropriate or inadequate to prepare learners for the world of work and only a very limited number offered tuition up to matriculation (Grade 12) level thereby effectively excluding many learners from higher education and training opportunities. Racial policies associated with the period of apartheid rule, found expression even in the services that were provided to people with disabilities.

Whilst significant progress was made in mainstreaming disability in South Africa after 1994, far more still needs to be done to ensure and regulate disability inclusion. The schooling system is increasingly producing learners with disabilities who qualify to take their place in the PSET system. As a result of this there is an urgency to prepare the PSET system to ensure greater access for these students.

Traditional attitudes and stereotyping of the abilities of learners still lead to exclusion and reinforcement of the notion that learners with disabilities do not have a future in higher education and training. Barriers are exacerbated by inequalities inherent in the higher education and training system. This includes the ways in which PSET institutions are structured and function, dominant attitudes that inform and shape the practices of such institutions as well as the role that higher education plays within society as a whole.



Whilst facilities and assistive devices play an important role in supporting students with disabilities and have received much attention from PSET institutions, limited attention has been paid to the extent to which teaching and learning processes marginalise or exclude students. A lack of curricula flexibility and a lack of inclusive teaching and learning methodologies remain important barriers within higher education and training that should be further interrogated.

The way in which learning support and services is provided currently at South African PSET institutions to students with disabilities, has also been criticised. Available evidence suggests that the initiatives and structures in place at the various institutions vary considerably in what work they do and the services they offer. In many cases the PSET institutions and DRUs experience resource constraints that limit the nature and extent of services they can offer. Most importantly, support services to students with disabilities, where they do exist, tend to operate separately from or have limited collaboration with broader teaching and learning support initiatives at the institutions. Where links do exist, the collaboration is mostly with student counselling services rather than those dealing directly with teaching and learning. The structural separation of learning support for students with disabilities from other learning support, is criticised and an integrated approach is preferred.

It is alleged that support provision in many cases at PSET institutions is based on the assumption that all of a student's problems can be remedied by a particular piece of equipment (the classic 'technological fix' mentality) without an attempt to understand the social context and other factors exacerbating the barriers experienced by the student. The current gap in comprehensive inclusion across the PSET sector and in the South African society tells the story of a failure to enforce existing accessibility legislation in order to develop minimum norms and standards for universal application.

Currently the National Student Financial Aid Scheme (NSFAS), National Skills Fund (NSF) and other bursary funding for students with disabilities are available only for students at universities, and not TVET colleges. For TVET colleges funding is only provided for infrastructure development for institutions reporting enrolment of students with disabilities.

Despite the availability of bursary funding for people with disabilities, there are still low numbers of people with disabilities at universities and colleges. The available NSFAS disability funding was underutilised in 2010 and 2011 at levels of 47% and 55% respectively. The low uptake of bursaries is a matter of serious concern, given the continued inequalities in access. Of note is that the NSFAS also makes provision for the once-off provision for assistive devices for students with disabilities. This information however needs to be prominently displayed on the NSFAS website.

Funding has been provided to all universities for infrastructure audits with a view to improving accessibility and to ensure that new buildings are accessible to people with disabilities. The DHET made available an amount of R130 million to universities, providing an additional R52 million towards ensuring universal access to university infrastructure and facilities. In addition, the DHET



has provided direct funding for the training of educators of learners with loss of vision, targeting a specific university in 2017.

At TVET colleges there is still no ring-fenced funding to improve the accessibility of buildings, although the *Norms and Standards for Funding TVET colleges* makes provision for additional funding for students with disabilities.

2.5.2 Prevalence

Census 2011 reported that 11.1% of South African people had at least some difficulty performing functions as described in the Washington Group questions and estimated an impairment prevalence of 7.5% or approximately 2.9 million out of 38 million people. This figure, however, excludes among others, children between 0-4 years of age; statistics of persons with disabilities in residential care and school boarding facilities; and persons with psychosocial, neurological and/or emotional disabilities. Looking at the World Report on Disability, Africa has a much higher prevalence of disability when compared to other countries.

According to the 2001 Census of the total percentage of persons with disabilities, the following was recorded:

- Visual impairment - 32,1%
- Hearing impairment - 20,1%
- Communication impairment - 6,5%
- Physical impairment - 29,6%
- Intellectual impairment - 12,4%
- Emotional impairment - 15, 7%.

The majority of persons with severe difficulties across all functional domains aged between 20 to 24 years, were not attending tertiary education, with only about 20% of persons with severe difficulties attending tertiary education. Attendance was highest among the white population group and lowest among black Africans. Slight variations in tertiary enrolment exist between males and females.

The highest proportion of persons aged 20 years and older with no formal education was recorded in tribal/traditional communities regardless of the type of disability, while those in urban areas had a better profile. Persons with severe difficulties had the worst educational outcomes (5.3% attained higher education, 23.8% no formal education and 24.6% some primary education).

The Higher Education Management Information System (HEMIS), as well as Technical and Vocational Education and Training Management Information System (TVETMIS) data and institutional feedback show that there is an increase in the numbers of students with disabilities every year, yet there is minimal growth when compared to the general or total intake and the increase that occurred in the PSET sector over the past five years.



Related to the PSET system, the Statistics South Africa (StatsSA) publication, Census 2011: *Profile of persons with Disabilities in South Africa* reported that

1. The majority of persons aged 20–24 years with severe difficulties across all functional domains were not attending any tertiary institution and did not have post-school qualifications. Only about 20% of persons with severe difficulties were attending tertiary educational institutions. Attendance was highest among the white population group and lowest among black Africans. Slight variations in tertiary enrolment exist between males and females.
2. The highest proportion of persons aged 20 years and older with no formal education was recorded in tribal/traditional communities, regardless of the type of disability, while those in urban areas had a better profile.
3. Disparities in tertiary enrolment are evident among the different population groups - attendance was highest among the white population group and lowest among black Africans.
4. Geographical location of the person with a disability has a bearing on access to tertiary enrolment. Farm areas showed the lowest enrolment rates (less than 20%) compared to urban and traditional area.
5. Gender disparities show that females were more disadvantaged compared to males particularly females with disabilities.
6. Persons with severe difficulties had the worst educational outcomes (5, 3% had attained higher education, 23, 8% had no formal education and 24, 6% had some primary education).

Available data on the HEMIS shows a gradual increase in the number of enrolled students with disabilities at universities over the period 2010 to 2015, from a total of 5357 in 2010 to 7379 in 2015. The category of disability that ranks highest is that of students with physical disability, followed by visual impairment and those with unspecified disabilities. While the categories seem to be limited, there seems to be no differentiation between visually impaired and totally blind individuals in spite of the great difference in the approach or support technology required by these two categories. Disability data from the TVET section indicates that 3049 students with disabilities were enrolled at TVET colleges in 2015, 1611 of whom were female. However, there is a need for universities and colleges to collaborate in streamlining the categories of data to be collected in order to present an accurate picture to the public. In addition, disability funding by the NSFAS needs to be harmonised for equity and fairness.

It should be noted that the prevalence of disability is expected to escalate over the coming years, taking into consideration some of the major causes of disability identified in the *Integrated National Disability Strategy*. These include

- unhealthy lifestyles
- increased life expectancy
- environmental factors such as epidemics, accidents and natural disasters
- pollution of the physical environment



- poisoning by toxic waste and other hazardous substances
- industrial, agricultural and transport related accidents
- sports injuries and
- violence and civil unrest.

Baseline Country Report to the United Nations on the implementation of the Convention on the Rights of Persons with Disabilities in South Africa

The *Baseline Country Report submitted to the United Nations Convention on the Rights of Persons with Disabilities*, approved by Cabinet in April 2013, acknowledges that 'weaknesses in the governance machinery of the state, and capacity constraints and lack of coordination within the disability sector, have detracted from a systematic approach to the implementation of the *UNCRPD*. The continued vulnerability of persons with disabilities, particularly children with disabilities as well as persons with psychosocial disabilities, and those residing in rural villages, requires more vigorous and better coordinated and targeted intervention.'

This reporting process allowed South Africa an opportunity to critically analyse the situation and status of persons with disabilities in the country and provided a valuable contribution and guidance in the on-going journey towards the full realisation of the provisions of the *UNCRPD*.

The report emphasised the continued vulnerability of persons with disabilities and that it requires more vigorous and better coordinated and targeted interventions.

Of significance to the PSET system, it reported that despite enabling legislation, policies, guidelines and targets for the economic empowerment of persons with disabilities, there has been insufficient progress in translating these into economic independence. Employment equity for persons with disabilities is slow-paced in both the public and private sectors and mostly constitutes semi-skilled, unskilled or temporary positions. Only 1.9% of top management, 1.2% of senior management, and 1% in the professionally qualified category constitute people with disabilities (2011/2). This is partly due to the education and training system that is currently not sufficiently skilling young persons with disabilities for the open labour market or as owners of economically viable small enterprises. Likewise, skills development programmes (through SETAs) failed to achieve equal access for persons with disabilities, despite the 4% target. SETA has recommitted to 'significantly open up opportunities for skills training for people experiencing barriers to employment caused by various forms of physical and intellectual disability'.

The Baseline Report furthermore reported on the challenge posed by the lack of a final definition of disability in all national legislation.

In terms of monitoring and reporting on persons with disabilities, although StatsSA has significantly remodelled its approach towards mainstreaming disability in its operations and is fully compliant with internationally accepted norms to protect human rights, fundamental freedoms and ethical principles in collection and use of statistics, disaggregation of disability related statistics and data across all government institutions, remain problematic. This includes



the reliability of such data, where it exists. In terms of national implementation and monitoring, the report noted that all departments, institutions, organisations, agencies and entities have to appoint/designate a disability focal person/unit to coordinate the mainstreaming of people with disabilities within each of these institutions. The Committee on the Rights of Persons with Disabilities which has been established under the South African Human Rights Commission (SAHRC), is an important monitoring mechanism for the mainstreaming of people with disabilities (see Section 2.6.5).

The report confirms South Africa's commitment to accelerating its agenda for the progressive realisation of rights of persons with disabilities by, among others

- i. strengthening baseline information
- ii. strengthening its mainstreamed legislative and policy framework
- iii. targeting interventions in a coordinated and integrated manner
- iv. strengthening its national disability rights machinery
- v. strengthening accountability and monitoring through the introduction of disability rights-based indicators into the government-wide monitoring and evaluation system
- vi. accelerating implementation of policies, and programmes that aim to provide equal access to persons with disabilities, including disability-specific programmes aimed at addressing barriers to participation.

2.5.3 Legislative and policy context

In December 2015 the South African Cabinet approved the *White Paper on the Rights of Persons with Disabilities*. For the first time, the nation has a disability policy with an implementation plan that speaks directly to actions that need to be taken by different departments and entities in promoting and upholding the rights of persons with disabilities. Prior to this, several pieces of legislation that made mention of people with disabilities or dealt with issues relating to disabilities had been enacted.

Key legislative and policy documents guided the development of the Strategic Disability Policy Framework.

(a) *The Constitution of the Republic of South Africa*

The *Constitution of the Republic of South Africa* (Act No. 108 of 1996) founded our democratic state and common citizenship on the values of human dignity, the achievement of equality and the advancement of human rights and freedoms (Section 1a). These values summon all South Africans to take up the responsibility and challenge of building a humane and caring society, not for a few, but for all South Africans. In establishing an education and training system for the 21st century, we carry a special responsibility to implement these values and to ensure that all students, with and without disabilities, pursue their learning potential to the fullest. The Bill of Rights (Chapter 2) specifically prohibits direct and indirect discrimination, by the state or an



individual, against anyone on the basis of their disability. By implication, the denial of any right on the basis of disability, implies a constitutional violation of a disabled person's right.

Section 9 of the Constitution provides for the enactment of national legislation to prevent or prohibit unfair discrimination and to promote the achievement of equality. This implies the advancement, by special legal and other measures, of people with disabilities as a historically disadvantaged group. This *Strategic Policy Framework on Disability* is rooted in the intentions, principles, and provisions of the Constitution. This means that the implementation of each stipulation in this *Strategic Policy Framework on Disability* is a binding constitutional obligation of all offices, institutions, agencies, entities and organisations.

In building our education and training system, our Constitution provides a special challenge which requires that we give effect to the fundamental right to basic education Section 29 (1) and the right 'to further education¹, which the state, through reasonable measures must make progressively available and accessible' to all South Africans.

(b) National Development Plan – Vision 2030

During 2012, Cabinet endorsed the *National Development Plan - Vision 2030* (NDP), a blueprint for eliminating poverty and reducing inequality in South Africa by 2030, as the strategic framework for detailed government planning. It calls for a socially inclusive society in South Africa and supports the notion that all sectors of society, including persons living with disabilities, have a critical role to play in achieving national development goals. It recognises that many persons with disabilities are not able to develop their full potential owing to a number of barriers that have to be addressed and therefore directs that 'persons with disabilities must have enhanced access to quality education and employment. Efforts to ensure relevant and accessible skills development programmes for people with disabilities, coupled with equal opportunities for their productive and gainful employment, must be prioritised.'

It, is also aimed at strengthening, monitoring and evaluating capacity for effective oversight and advocacy, by establishing a UN Convention on the Rights of Persons with Disabilities complaint, legal and policy framework and reducing the economic vulnerability of persons with disabilities in South Africa.

Importantly, through in-depth analysis of the NDP and disability disaggregation of NDP targets, the analysis determines that disability equity targets be set at 7% by 2020 and 10% by 2030 in order to redress past marginalisation and ensure equitable participation and benefits by persons with disabilities.

The *Disability-Disaggregated National Development Plan* sets specific targets relevant to the PSET system. These include

¹ In the context of the Constitution, further education matches post-school education and training.



- i. access to education and training of the highest quality leading to significantly improved learning outcomes - targets for the disability sector are set at 80 000 educators and 14 000 officials having received in-service training on the key policy implementation guidelines by 2020 and by 2030 these targets should be exceeded
- ii. significantly expanding the further education and training sector - targets for the disability sector are set at 77 125 additional persons with disabilities in the further education and training sector by 2020 and an additional 77 125 by 2030
- iii. improving the further education and training graduation rate to 75% by 2030, including people with disabilities
- iv. producing 20 000 artisans a year - targets for the disability sector are set at 2 468 artisans with disabilities per year by 2020 and 4 936 by 2030
- v. providing an additional 1 000 000 learning opportunities a year for post-school workers and the unemployed - targets for the disability sector are set at 123 400 for 2020 and 246 800 by 2030
- vi. increasing the higher education participation rate from 17% to 30% - targets for the disability sector are set at 99 994 by 2020 and 199 988 by 2030
- vii. increasing university Science and Mathematics entrants to 450 000 by 2030 - targets for the disability sector are set at 27 765 by 2020 and 55 530 by 2030
- viii. producing 100 doctoral graduates per 1 000 000 per year - targets for the disability sector are set at 308 doctoral graduates with disabilities by 2020 and 616 by 2030.

(c) *Medium-term Strategic Framework*

The DHET is responsible for 'Outcome 5: A skilled and capable workforce to support an inclusive growth path', of the *Medium-term Strategic Framework* (MTSF) that is the frame of reference outlining government's main priorities underpinning the strategic direction of government. This outcome is all-inclusive and equally recognises the role of persons with disabilities in the social and economic development of the country. Furthermore, the DHET has to, in terms of social inclusion and people with disabilities in specific, report on 'Outcome 14 – Nation Building and Social Cohesion' through the Department of Social Development.

(d) *White Paper on the Rights of Persons with Disabilities*

The *White Paper on the Rights of Persons with Disabilities* updates the 1997 *White Paper on an Integrated National Disability Strategy*, integrates obligations in the *UNCRPD* and responds to the *Continental Plan of Action for the African Decade of Persons with Disabilities*. It facilitates the integration of disability issues in all developmental strategies. Specifically, it

- i. provides a mainstreaming trajectory for the realisation of the rights of persons with disabilities through the development of targeted interventions that remove barriers and apply the principles of universal design
- ii. provides clarity and guidance on the development of standard operating procedures



- iii. provides guidance for the development of new legislation and policies, programmes, budgets and reporting systems, the review of all existing legislation and policies and for bringing these in line with both constitutional and international treaty obligations
- iv. stipulates norms and standards for the removal of discriminatory barriers that perpetuate the exclusion and segregation of persons with disabilities
- v. outlines the responsibilities and accountabilities of various stakeholders in providing service delivery to people with disabilities
- vi. provides guidance for self-representation by persons with disabilities
- vii. provides the framework for a uniform and coordinated approach by all government departments and institutions in the mainstreaming of disability across all planning, design, budgeting, implementation and monitoring of services and developmental programmes
- viii. provides a framework against which the delivery of services to persons with disabilities can be monitored and evaluated
- ix. provides guidance for gender mainstreaming to ensure that women with disabilities enjoy equitable access to all women empowerment and gender equality legislation, policies and programmes.

The *White Paper on the Rights of Persons with Disabilities* applies to every department, agency, entity, public and private institution, and organisation in the PSET system and forms the basis on which the *Strategic Policy Framework on Disability* rests.

The *Strategic Policy Framework on Disability* concurs with the rights and responsibilities of persons with disabilities, the key principles, the vision, mission and outcomes as outlined in the *White Paper on the Rights of Persons with Disabilities*. It builds on the strategic pillars for realising the rights of persons with disabilities as enunciated in the *White Paper on the Rights of Persons with Disabilities*, and in specific pillars 1 (removing barriers to access and participation); 4 (promoting and supporting empowerment of persons with disabilities); 6 (strengthening the representative voice of persons with disabilities); 7 (building a disability equitable state machinery); and 9 (monitoring and evaluation).

(e) *White Paper on Education and Training*

The *White Paper on Education and Training* (Notice 196 of 1995) directs the provision of an increasing range of learning possibilities and offering students greater flexibility in learning. It places 'special emphasis on the redress of educational inequalities among those sections of our people who have suffered particular disadvantages, or who are especially vulnerable, including street children, out-of-school youth, the disabled and citizens with special educational needs, illiterate women, rural communities, squatter communities, and communities damaged by violence'. It also directs that 'the state's resources must be deployed according to the principle of equity, so that they are used to provide essentially the same quality of learning opportunities for all citizens'. However, great emphasis is being placed on creating better access to diverse



education and training opportunities and the improvement of the quality of education and training services.

The *White Paper on Education and Training* directs the establishment of Education Support Services (ESS) and Education for Learners with Special Needs. It is essential to increase awareness of the importance of ESS in the South African education and training system.

(f) *National Plan for Higher Education*

The *National Plan for Higher Education* (2001) obliges universities to increase access for students with disabilities. The plan requires universities to develop plans indicating aims, strategies implemented and steps taken towards improving access.

(g) *Education White Paper 3 on the Transformation of the Higher Education System*

The former Department of Education released the *Education White Paper 3: A Programme of Transformation for Higher Education*. It explains transformation as

- i. eradicating all forms of discrimination
- ii. promoting equity of access and fair chances of success for all
- iii. advancing redress of inequalities
- iv. meeting the need of learning and research programmes, national development needs including the economy's high skilled employment needs
- v. supporting a democratic ethos and a culture of human rights through education programmes and practices conducive to critical discourse and creative thinking, cultural tolerance and a commitment to a humane, non-racist and non-sexist social order
- vi. contributing to the advancement of all forms of knowledge and scholarship and upholding of rigorous standards of academic quality.

White Paper 3 highlights the need for an equitable and just system of higher education that is devoid of all forms of discrimination including discrimination against students with disabilities.

(h) Education White Paper 4: A Programme for the Transformation of Further Education and Training

In September 1998, the then Minister of Education, Professor Sibusiso M Bengu released *Education White Paper 4: A Programme for the Transformation of Further Education and Training* calling for a Technical and Vocational Education and Training (TVET) system (then referred to as Further Education and Training) that would invest in the youth, link education and training with the labour market and address the fate of 'out-of-school youth'. It emphasised that students exiting from this sector will have to acquire not only technical and vocational knowledge, but should be developed as future citizens of a democratic country where they would participate in social and economic development in society. It recognised the 'social, cultural and humanistic dimensions' of the TVET sector and these dimensions were recognised and strengthened in both



the *Policy Framework for the Realisation of Social Inclusion in the Post-School Education and Training System* (2016) and this *Strategic Policy Framework on Disability*.

(i) *Education White Paper 6 on Special Needs Education: Building an Inclusive Education and Training System*

In 2001 the then Minister of Education, Prof Kader Asmal, released the *Education White Paper 6: Special Needs Education – Building an Inclusive Education and Training System*. In this White Paper, government commits to the provision of educational opportunities in particular for those learners who experience or have experienced barriers to learning and development or who have dropped out of learning because of the inability of the education and training system to accommodate their learning needs.

It recognises that South Africa's vision of an inclusive education and training system can only be developed over the long term and that the actions taken in the short to medium term will provide models for later system-wide application. It outlines government's strategy to transform the current education system to make it more efficient, more equitable and more just. It also emphasised the importance of clarity on the capital, material and human resource development, and consequently the funding requirements of building an inclusive education and training system.

Although it mainly focuses on learners in the schooling sector, the different learning needs of people with disabilities are acknowledged, including negative attitudes to and stereotyping of differences; an inflexible curriculum; inappropriate languages or language of teaching and learning; inappropriate communication; inaccessible and unsafe built environments; inappropriate and inadequate support services; inadequate policies and legislation; the non-recognition and non-involvement of parents and communities; and inadequately and inappropriately trained education managers and educators.

It also reinforced the answerability of the education and training system in acknowledging that everyone can learn and that everyone needs support; accepting and respecting differences and that people have different learning needs; enabling education and training structures, systems and learning methodologies to meet the needs of all people; changing attitudes, behaviour, methodologies, curricula and the environment to meet the needs of all learners; maximising the participation of all learners in the culture and the curricula of educational institutions and uncovering and minimising barriers to learning; and empowering learners by developing their individual strengths and enabling them to participate critically in the process of learning.

It also calls for the launch of a National Advocacy and Information Programme in support of the inclusion model focusing on the roles, responsibilities and rights of all learning institutions, parents and local communities; highlighting the focal programmes; and reporting on their progress.



Furthermore, the development of an inclusive education and training system has to take into account the incidence and the impact of the spread of the HIV and AIDS pandemic and other infectious diseases. For planning purposes, the Ministry of Education will ascertain, in particular, the consequences of the curriculum, the expected enrolment and drop-out rates and the funding implications for both the short and long term. The Ministry will gather this information from an internally commissioned study as well as from other research being conducted in this area.

(j) Higher Education Act

The *Higher Education Act* (Act No. 101 Of 1997) makes provision for the establishment, governance and funding of public higher education institutions and for the registration of private higher education institutions. In looking through the disability lens, it resolves to restructure and transform programmes and institutions to respond better to the human resource, economic and development needs of the country; redress past discrimination and ensure representation and equal access; provide optimal opportunities for learning and the creation of knowledge; promote the values which underlie an open and democratic society based on human dignity, equality and freedom; and promote the full realisation of the potential of every student and employee, tolerance of ideas and appreciation of diversity.

(k) Skills Development Act (Act No. 97 of 1998) and the Skills Development Levies Act (Act No. 9 of 1999)

These acts set out the framework for managing skills development. The implementation of the Employment Equity Act requires synergy with that of the National Skills Development Framework and Strategy (NSDS). The NSDS sets targets for vulnerable groups including persons with disabilities.

One of the goals of NSDS III is to increase access to occupationally-directed programmes. It aims to ensure increased access to training and skills development opportunities and achieve the fundamental transformation of inequities linked to class, race, gender, age and disability.

Despite commitments from NSDS I and II to increase opportunities for training and skills development for persons with disabilities, we are still far from achieving the goals in this regard. NSDS III aims to significantly open up opportunities for skills training for people experiencing barriers to employment caused by various forms of physical and intellectual disability.

Sector Education and Training Authorities (SETAs) must also work with cooperatives operating in their sectors in order to maximise the economic role of these bodies. Similarly, the National Skills Fund sets aside dedicated funds to support education, training and skills development for properly registered cooperatives, with a particular focus on cooperatives for the unemployed, youth, women and people with disabilities.



The NSDS III provides a stronger base for the SETAs and the DHET, through the service level agreements, to set targets that align with the sector skills needs – that is, not one-size-fits-all; and ensures improved focus on the core mandate of SETAs.

(l) Continuing Education and Training Colleges Act

The *Continuing Education and Training Colleges Act* (Act No. 16 of 2006) as amended, provides for the establishment, governance and funding of public TVET colleges, the employment of staff at public TVET colleges and the registration of private colleges.

Looking through the disability lens, the act strives to

- i. establish a national co-ordinated further education and training system which promotes co-operative governance and provides for programme-based vocational and occupational training accessible to all
- ii. restructure and transform programmes and colleges to respond better to the human resources, economic and development needs of the country
- iii. redress past discrimination and ensure representation and equal access
- iv. ensure access to further education and training as well as access to the workplace by persons who have been marginalised in the past, such as women, the disabled and the disadvantaged
- v. provide optimal opportunities for learning, the creation of knowledge and the development of intermediate to high level skills in keeping with international standards of academic and technical quality
- vi. promote the values which underlie an open and democratic society based on human dignity, equality and freedom
- vii. advance strategic priorities determined by national policy objectives at all levels of governance and management within the TVET sector
- viii. respect and encourage democracy and foster a collegial culture which promotes fundamental human rights and creates an appropriate environment for teaching and learning
- ix. promote the full realisation of the potential of every student and member of staff, tolerance of ideas and appreciation of diversity
- x. complement the national skills development strategy in co-operation with the Department of Labour.

(m) White Paper for Post-School Education and Training - building an expanded, effective and integrated post-school system

The *White Paper for Post-School Education and Training* recognises the rights of people with disabilities and commits to the development of a strategic disability policy framework through partnerships with existing departments and relevant organisations to guide the improvement of access to and success in PSET for people with disabilities. Through the framework, all post-school institutions have to address policy within institutional context and develop targeted institutional



plans to address disability. These should be based on norms and standards for the integration of students and staff with disabilities in all aspects of university or college life, including academic life, culture, sport and accommodation, developed through the strategic policy framework.

The *White Paper* expresses appreciation for the needs of students and staff with disabilities and provides direction for the building of greater awareness of the needs of students and staff with disabilities, alongside the capacity to address disability at all levels of post-school institutions, including lecturers, support staff and management. Particular attention will be paid to the plight of women with disabilities and disabled students from poor families, throughput rates of disabled students, and the need for training and work-based opportunities for students both during and upon completion of their programmes.

In the *White Paper* the DHET commits to build its own internal capacity to support a new approach to address disability within post-school institutions, including information management, conducting research into disability in the post-school sector, policy development and support, and providing the necessary resources to institutions to enable transformation in this area.

(n) Policy Framework for the Realisation of Social Inclusion in the Post-School Education and Training System

In 2016 the DHET published the *Policy Framework for the Realisation of Social Inclusion in the Post-School Education and Training System*. The document defines social inclusion as “a universal human right and aims at embracing all people irrespective of race, class, gender, disability, language, age, geography, HIV and AIDS status, citizenship, values or medical standing. It is about giving equal access and opportunities and getting rid of discrimination and intolerance”.

This policy framework aims to assist PSET institutions in the implementation of social inclusion and to provide a monitoring instrument to the DHET to ensure that the social inclusion priorities of the DHET are taken into account at all PSET institutions.

Through this policy framework, the DHET is creating an enabling environment for social inclusion in PSET that will ensure that social inclusion-related policies and legislation in institutions are developed, implemented and monitored.

The *Strategic Policy Framework on Disability* is based on the strategic intent and aligned with the implementation of the *Policy Framework for the Realisation of Social Inclusion in the Post-School Education and Training System*.

(o) Other legislative and policy frameworks

An overview of other legislative and policy frameworks that have an impact on the *Strategic Policy Framework on Disability* is summarised in **Table 1**.



Table 1: Other legislative and policy environments regarding disability equity

Legislation/ Policies	Provisions
National Building Regulations and Building Standards Act (Act 103 of 1977)	The Building Standards Act and its National Building Regulations find practical expression in the SABS 0400 Code of Practice which sets norms and standards for the built environment and specifically for people with physical disabilities.
White Paper on the Transformation of the Public Service (1995)	This policy compels national and provincial departments to draw up detailed affirmative action plans to meet inter alia the specific needs of people with disabilities - disaggregated data at different levels and occupational classes, as well as goals, objectives, measurable targets, strategies and timeframes for their achievement.
Labour Relations Act (Act 66 of 1995)	This act regulates the right to fair labour practices entrenched in Section 27 of the Constitution - no person may be unfairly discriminated against on an arbitrary ground such as disability.
National Education Policy Act (Act 27 of 1996)	This policy aims, amongst others, to ensure that no person is denied the opportunity to receive an education, to the maximum of his/her physical disability.
White Paper on Affirmative Action (1998)	This paper sets out requirements and guidance for the entire public service to develop programmes and to report on accountability, monitoring, coordination and reporting responsibilities. From a disability perspective this White Paper states that affirmative action must strive to eradicate barriers to employment and advancement in the organisational and physical environment and provide support to the target group of 2%
Employment Equity Act (Act 55 of 1998)	The Employment Equity Act (1998) and its "Code of Good Practice: Key Aspects on the Employment of People with Disabilities" (2002) find practical expression in the "Technical Assistance Guidelines on the Employment of People with Disabilities" which in turn has become key for the purposes of this <i>Strategic Policy Framework on Disability</i> . The act outlaws discrimination in the workplace against inter alia people with disabilities. It requires that all employers must develop Employment Equity Plans and put measures in place to ensure that suitable qualified people from designated groups have equal opportunities and are equitably represented in all occupational categories and levels in the workforce of a designated employer.
Code on Good Practice on the Employment of People with Disabilities (1998)	This code is a guide for employers and employees to promote equal opportunities and fair treatment for persons with disabilities as required by the Employment Equity Act (1998). It includes the EEA1 disability declaration form to provide employees with an opportunity to identify whether they have a disability and what the nature of the disability entails.
South African Library for the Blind Act (Act 91 of 1998)	This act provides for the South African Library for the Blind and for library and information services to blind and print-handicapped readers and for matters connected therewith.
Promotion of Equality and Prevention of Unfair Discrimination Act (Act 4 of 2000)	<p>The Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (PEPUDA or the Equality Act) is a comprehensive South African anti-discrimination law. It prohibits unfair discrimination by the government and by private organisations and individuals and forbids hate speech and harassment.</p> <p>This particular law has been singled out for more detailed explanation, because most people are not aware of the extent of responsibility it puts on the PSET system to eliminate discrimination.</p> <p>It has met the provision of Section 9 of the Constitution, of the enactment of national legislation to prevent or prohibit unfair discrimination.</p> <p>Chapter 5 of the act dealing with the promotion of equality, rules that it is the general duty of the state to implement anti-discrimination policy and practice within all state structures and programmes. Institutions, entities, organisations, agencies and even an individual citizen can be held accountable for discrimination against others, both actively and by omission. The act also rules that the promotion of equality is the responsibility of persons operating in both the public and private domains.</p>



Legislation/ Policies	Provisions
	<p>It states that to unfairly discriminate against any person on the ground of disability includes, inter alia, failing to eliminate obstacles that unfairly limit or restrict persons with disabilities from enjoying equal opportunities or failing to take steps to reasonably accommodate the needs of such persons.</p> <p>Administrators and managers need to be aware that the act states that if the complainant makes out a prima facie case of discrimination against them and/or the state, the complainant does not have to prove that he/she has been discriminated against. The act states that they and/or the state will have to prove that the discrimination did not take place as alleged.</p> <p>The lack of awareness and action to eliminate discrimination could easily lead to embarrassing litigation against employers and the state.</p>
Electronic Communications and Transactions Act (Act 25 of 2002)	Section 1(l) states the objectives of this act are to enable and facilitate electronic communications and transactions in the public interest, and for that purpose to ensure that, in relation to the provision of electronic transactions services, the special needs of particular communities, areas and the disabled are duly taken into account.
Electronic Communications Act (Act 36 of 2005)	Section 2(s)(iii) determines that the primary objective of this act is to provide for the regulation of electronic communications in the country in the public interest and for that purpose according to Section 2(s) ensure that broadcasting services, viewed collectively (iii) cater for a broad range of services and specifically for the programming needs of children, women, the youth and the disabled.
The Job Access Strategic Framework 2006 – 2010 (2007) and resource kit	<p>This framework was developed with the main objective of transforming the public sector to be inclusive of people with disabilities. The guiding principles of this strategy are founded on the general principles of the <i>UNCRPD</i>. The key priorities of the strategy are:</p> <ul style="list-style-type: none"> • ensuring the employability of persons with disabilities • equality of opportunity in the workplace • improving the health and well-being of persons with disabilities • creating better opportunities, accessibility and promoting skills development to retain people with disabilities in the sector • partnership and capacity building of institutions and disabled people’s organisations. <p>Activities in departments and institutions have to focus on:</p> <ul style="list-style-type: none"> • providing effective support and guidance • improving the skills and access to in-work support needed to enhance employability • connecting people with disabilities with work by making transition to employment less risky and complicated • improving attitudes towards people with disabilities • building information networks to bring together and disseminate important information to people with disabilities, departments, institutions, partners and communities.
Handbook on reasonable accommodation for persons with disabilities in the public service (2007)	This handbook serves as a tool to enable government departments to create conducive environments for persons with disabilities both as employees of the state and as clients of government’s services. It addresses reasonable accommodation, accessibility in terms of the physical environment and communication. It provides guidelines in creating a work environment that will ensure that employees with disabilities are equally productive and motivated.
National Land and Transport Act (Act 5 of 2009)	The Minister may make regulations for the requirements and timeframes for vehicles and facilities to be made accessible to persons with disabilities, including principles for accommodating such persons in the public transport system.
Policy on reasonable accommodation for	The policy aims to facilitate the implementation of a programme for the provision of reasonable accommodation measures which include the provision of amenities and



Legislation/ Policies	Provisions
persons with disabilities in the public service (2015)	assistive devices to employees with disabilities which will in turn enable such employees to fully participate in the activities of the departments. It provides guidelines on the: <ul style="list-style-type: none">• acquisition and disposal of assistive devices once an employee with a disability leaves a department for another or exits the public service• provision of transportation by departments to and from work for employees with disabilities who cannot otherwise utilise the current public transportation system• use of personal assistants and caregivers by and for employees with disabilities• provide sign language interpretation services where there is a need.
Draft Policy for the provision of quality education and support for children with severe to profound intellectual disabilities (2016)	The purpose of this policy is to provide a framework for inclusive, quality and developmental education of children with severe to profound intellectual disabilities who function at the lowest level of development and attend special or ordinary schools, special care centres, Early Childhood Development (ECD) centres and home education. This policy asserts the rights and dignity of one of the most neglected and vulnerable groups in South Africa and globally. For these children the Department of Basic Education recognises that it has to provide access to appropriate education which requires inter-sectoral collaboration between government departments, including the DHET (although not included in the policy).

All these efforts provided the impetus for addressing disability within the broader South African society, but also more specifically, within the education sector. This said, a multiplicity of challenges remains and needs to be addressed if the PSET sector is to be responsive to the needs of people with disabilities.



Strategic Policy Framework on Disability for the Post-School Education and Training System

Part 3

‘THE DHET IS COMMITTED TO MAINTAINING EXISTING DISABILITY CAPACITY WITHIN POST-SCHOOL INSTITUTIONS WHILE AT THE SAME TIME ENSURING EQUITABLE FUNDING ACROSS THE SYSTEM.’

White Paper for Post-School Education and Training



3. STRATEGIC INTENT

The PSET system plays a key role in building an inclusive society and economy for South Africans as defined in Delivery Outcome 5 of Government. The *Strategic Policy Framework on Disability* affirms the role of the PSET system in narrowing the skills gap and by implication redresses the past inequalities in society, specifically affecting people with disabilities.

Through this *Strategic Policy Framework on Disability*, the DHET is creating an empowering environment for people with disabilities in the PSET sector that will ensure that disability-related policies and legislation in PSET institutions are implemented and monitored.

National norms, standards and guidelines, where they do not already exist, should be developed for what constitutes reasonable accommodation of people with disabilities in the PSET system. This will assist in developing acceptable models of implementation for institutions.

3.1 Vision and outcomes

The vision of the *Strategic Policy Framework on Disability* is a differentiated and fully-inclusive PSET system that allows all South Africans to access relevant Post-School Education and Training opportunities in order to contribute towards the fulfilment of the economic and social goals of the country.

The *Strategic Policy Framework on Disability* has envisaged the following outcomes:

- People with disabilities will enjoy equal opportunities in the PSET system.
- PSET institutions and programmes are accessible for people with disabilities.
- Services for people with disabilities are offered without any prejudice.

3.2 Implementation challenges for the Post-School Education and Training System

Challenges faced by departments and institutions for the inclusion of people with disabilities and the challenges that people with disabilities themselves experience, are very similar in the PSET system. The DHET requires a unique approach that has to go beyond securing employment and placement in the PSET system for persons with disabilities, but should also involve the creation of an environment that caters for the unique needs of persons with disabilities to ensure that they are productively employed or progressing in their studies, and are full participants in teaching, learning and student life on campus.



3.2.1 Systemic challenges

The following systemic challenges were identified:

- i. disability is not clearly defined and as a result departments and institutions experience difficulties in identifying persons with disabilities
- ii. leadership and management of disability in post-school education and training remains fragmented and separate from that of existing transformation and diversity programmes at the institutional level
- iii. lack of empowerment, protection and promotion of the rights of persons with disabilities across the system
- iv. inadequate policies and legislation
- v. lack of effective coordination mechanisms
- vi. lack of funding mechanisms
- vii. absence of enforcement mechanisms, and together with this, the lack of accountability and consequences for non-compliance
- viii. gaps in the manner in which the DHET and institutions monitor and influence the implementation process
- ix. inadequate management information on persons with disabilities available for monitoring and evaluation purposes
- x. absence of effective monitoring of compliance with national and international standards and obligations
- xi. an inability to attract suitably qualified and skilled persons with disabilities for posts in the PSET system
- xii. inadequate cooperation and collaboration with organisations representing persons with disabilities
- xiii. continued discrimination against persons with disabilities as there are no consequences for failing to implement the legislation and policies
- xiv. the treatment of disability rights as peripheral - while the inclusion of people with disabilities is supported by policies and legislation, and there is an increase in awareness in general, this has not translated into effective mainstreaming of disability rights as a policy and service delivery issue. Instead, delivery to people with disabilities continues to be seen as an add-on and peripheral, best dealt with by 'special' institutions like disability units or focal points. For this reason, delivery on disability rights remains side-lined from core government and institutional functions.

3.2.2 Institutional challenges

Institutions overall, lack the capacity or even the policies to cater for students and staff with disabilities. The following institutional challenges are recorded:



- i. poor implementation of disability policies in institutions, including the failure of many institutions to develop programmes of action, budgeted programmes and coordinating mechanisms
- ii. social exclusion - there is minimal access, particularly for people with disabilities, from previously disadvantaged groups, to a variety of cultural, social and sporting activities and facilities which cater for their needs
- iii. lack of access to buildings for people with disabilities - while progress has been made to ensure accessibility to physical buildings, other facilities such as cultural, social and sport facilities are often not accessible to people with disabilities, and residential areas are often not designed in ways which are accessible for people with disabilities
- iv. negative attitude to and stereotyping of differences
- v. persons with disabilities are marginalised by not involving them in decision-making
- vi. an inflexible curriculum and teaching and learning environment
- vii. inappropriate languages of teaching and learning
- viii. inappropriate communication
- ix. inappropriate and inadequate support services
- x. the non-recognition and non-involvement of parents and communities
- xi. inadequate recruitment and retention strategies are applied, excluding people with disabilities
- xii. inadequate progress in ensuring that public transport is accessible to people with disabilities – including those that have physical, visual or hearing disabilities
- xiii. an inability to attract suitably qualified and skilled persons with disabilities for posts in the PSET system
- xiv. a lack of employment equity plans, resulting in inadequate planning for the achievement of disability equity
- xv. management faces multiple implications associated with employing persons with disabilities and accepting students with disabilities, owing to the unique needs of persons with disabilities that have to be accommodated and the associated costs involved that are not budgeted for
- xvi. staff and students are often not trained on the exact causes and nature of the exclusion disabled learners face, nor how to deal with this
- xvii. the inherent 'cost implications' of appointing/enrolling persons with disabilities is a great challenge as departments/institutions do not have adequate financial resources to cater for the needs of people with disabilities.

3.2.3 Personal challenges

Although people with disabilities are experiencing multiple challenges, most of them state the above as institutional challenges (social model of disabilities). The following additional personal challenges are experienced by people with disabilities in the PSET system and are addressed within the context of the *Strategic Policy Framework on Disability*:



- i. reluctance to disclose their status as a result of fears of stigmatisation and victimisation - this influences data and monitoring interventions
- ii. failure to apply for posts, or inaccessibility to the labour market after they have completed their studies
- iii. the effects of continued marginalisation and rejection in places of learning, over long periods, impacts negatively on the level of productivity, motivation and socialisation of students and staff with disabilities
- iv. lack of access to employment opportunities - even if they are able to obtain employment, they face problems such as lack of reasonable accommodation at work, accessible public transportation to get them to work and back and discrimination and ignorance about their potential at work.

3.3 Strategic objectives

In order to achieve the outcomes set for the *Strategic Policy Framework on Disability*, three key objectives were identified and it is envisaged that they will contribute to the impact of the *Strategic Policy Framework on Disability*.

Each of the objectives makes statements on one or more of the critical elements identified in the scope of the *Strategic Policy Framework on Disability* (see Section 1.4).

3.3.1 A standardised enabling environment

This strategic objective is aligned to the following pillars of the *WPRPD*:

- Pillar 1: Removing barriers to access and participation
- Pillar 2: Protecting persons with disabilities at risk of compounded marginalisation

Creating a standardised enabling environment entails:

- (a) standardising a model and approach to disability
- (b) standardising a classification model for disability
- (c) specific focus on addressing vulnerable groups
- (d) critical analysis and adaptation of the legislation and policy environment
- (e) development of norms, standards and guidelines
- (f) standardising institutional policies
- (g) professionalising Disability Rights Units and Student Support Services
- (h) development of multipronged funding strategies.



A standardised enabling environment in detail includes:

(a) Standardising a model and approach to disability

As already stated in the background, accurate statistics regarding the prevalence of disabilities in the PSET system in South Africa are not readily available. One of the reasons for this is the absence of a standardised definition and measurement of disability. This is further contributing to non-standardised services and a lack of consistent support for people with disabilities. Obtaining reliable statistics about the prevalence of disability and related factors, remains a challenge as it hinges on how disability is defined, how people perceive and disclose disability and how people with disabilities obtain access to opportunities and services.

Different models exist to address disability. In the PSET system, the social model for disability focuses on the strengths of persons with disabilities, rather than on their weaknesses. The social model emphasises the need for broader systemic and attitudinal changes in society, the provision of accessible services and activities, and the mainstreaming of people with disabilities to ensure full inclusion as equals. The model further supports the principle that persons with disabilities actively participate in transformation processes that impact on their lives.

In the PSET system, the human rights-based approach is adopted. It emphasises social justice, a minimum standard of living, equitable access, equal opportunity to services and benefits, and a commitment to meeting the needs of all South Africans with a special emphasis on the needs of the most disadvantaged. This approach is supported by the principles of universality, inalienability, equality and non-discrimination and requires a human rights focus in drafting and implementing policies and programmes.

The DHET acknowledges that disability is a complex concept, and that the definition of disability is evolving.

Although the *UNCRPD* and the *White Paper on the Rights of Persons with Disabilities* does not attempt to define disability per se, but rather recognises disability as an evolving concept imposed by society when a person with disability is denied access to full participation in all aspects of life and when society fails to uphold the rights and specific needs of these persons, the DHET adopted the Job Access Strategy (2006 to 2010) as a working definition.

(b) Standardising a classification model for disability

Institutions should be adequately capacitated to address and report on all different categories of disabilities, including the areas of disability not always catered for or supported: learning disabilities, psychosocial disabilities, Deaf students (as in Capital D, meaning they require South African Sign Language interpretation) deaf - as in able to lip read, as well as communication disabilities (e.g. stuttering).



Knowledge of the expanded disability categories is necessary to increase access and to know the extent and prevalence of disability across the sector.

Using the correct codes to identify and track students with disabilities who enrol, in order to put in place the necessary support, is of vital importance. Yet, with the current HEMIS coding system in use, it is very difficult to obtain proper information and to make the necessary provision and reach the correct conclusions.

Furthermore, the TVETMIS report on 16 different categories of disabilities, viz. attention deficit disorder with/without hyperactivity (ADHD), autistic spectrum disorder (ADS), behavioural/conduct disorder (including severe behavioural problems), blindness, partial-sightedness or low vision, cerebral palsy, deaf-blindness, deafness, epilepsy, partial hearing, mild to moderate intellectual disability, moderate to severe and/or profound intellectual disability, physical disability, psycho-social disorder, severe intellectual disability and learning disability, specific or undefined.

The debate around the HEMIS categories and the disjunction between the categories used in the HEMIS and TVETMIS emphasises the importance of standardised workable codes. A Community Education and Training Management Information System (CETMIS) has not yet been developed, but will face the same issues around disability categories. In standardising the coding, categorisation and reporting of impairments, the evaluation and service delivery across the PSET system will improve.

This work has culminated in a document containing a proposed categorisation of impairment types which has been welcomed by the various DRUs at universities and continued consultation is taking place between the Higher and Further Education Disability Services Association (HEDSA) and the DHET to consider ways to implement this disability coding framework. In arriving at this, the principles of the *UNCRPD* and the Washington Group questions employed during the latest South African census (2011), were considered.

The PSET system (including HEMIS and TVETMIS) will standardise on, adopt and implement a common classification framework to identify and support students and staff with disabilities and to capture disability related statistics within the PSET sector.

(c) Specific focus on addressing vulnerable groups

In addition to having disabilities, students in question experience even more barriers because of their vulnerability in society. These include but are not limited to:

- i. **Additional costs to the individual with a disability** - people with disabilities are often amongst the poorest and marginalised members of our communities. The costs to the individual or household brought about by having a disability are borne over and above the ordinary cost of living. These include the costs of medication, assistive devices, and



- improvements necessary to access their houses and being charged double the taxi fare if they are wheelchair users. Children whose parents have some form of a disability are often excluded from education opportunities owing to financial constraints.
- ii. **Impact of HIV and AIDS and crime on people with disabilities** – not enough is being done to address the impact of HIV and AIDS on people with disabilities and their families. One of these impacts is their increased vulnerability to poverty and dependency.
 - iii. **The voices of women and children with disabilities** who are confronted with violence, are often not heard.
 - iv. **Women with mental health disabilities** are particularly vulnerable and their ability to successfully testify in court is completely dependent on the view taken of the extent of their mental competence.
 - v. **Crime, violence and abuse continue** to aggravate the disadvantages suffered by people with disabilities.

The *White Paper for Post-School Education and Training* specifically directs the DHET and institutions to pay special attention to the challenges facing vulnerable groups, particularly women with disabilities and students with disabilities from poor families.

(d) Critical analysis and adaptation of the legislation and policy environment

In accordance with the *Policy Framework for the Realisation of Social Inclusion in the Post-School Education and Training System*, the *Strategic Policy Framework on Disability* does not call for specific disability legislation, but rather for a critical analysis of all applicable policies and legislation regarding the inclusion of people with disabilities and its impact on implementation. The amendment of the *Higher Education Act* has already indicated that the Minister will determine the targets for transformation for public and private higher education institutions.

The DHET will initiate a process to critically analyse all policies and legislation in the PSET system around the inclusion of people with disabilities and its impact on implementation. The DHET will make recommendations on amending policies and legislation where necessary.

The development of the implementation plan for the *White Paper for Post-School Education and Training* will be the first step in ensuring that people with disabilities are included in the mainstream policy environment of the PSET system.

The DHET will ensure that people with disabilities are sufficiently included in the Implementation Plan for the White Paper for Post-School Education and Training.

There is a need to communicate, advocate and implement legislative and policy directives throughout the PSET system.

The DHET will include legislative and policy directives in the Advocacy and Communication Plan for the inclusion of people with disabilities.



Existing legislation will furthermore be used to deal with non-compliance issues.

(e) Adoption of sectoral institutional models for the inclusion of people with disabilities

Education White Paper 6 on Special Needs Education introduced the notion of regional specialisation and collaboration in providing access to education for students with disabilities. There are mixed reactions to this amongst disability stakeholders and professionals working in the area of disability support. The rights of students to access the institution of their choice, or specialisation preference as well as the financial imperatives, have to be considered.

Universities have adopted a universal approach by establishing Disability Rights Units at all universities and provide dedicated funding to institutions for infrastructure, equipment, staff and assistive devices. All universities are now able to accommodate people with disabilities as staff and students.

This model is, in the short to medium term, unaffordable for TVET colleges. The DHET will develop an institutional model to cater for people with disabilities and develop at least one centre per province (and in the bigger provinces two per province) that is able to deal effectively with disabled students in the medium term. This can be expanded in the longer term. TVET colleges have to audit existing facilities, and evaluate existing disability facilities, especially in colleges that continue to annually increase their enrolments of students with disabilities in order to make such decisions. DHET also has to audit the programmes most commonly chosen by the students with different disabilities to determine the suitability of these programmes for specific disabilities. Even though the DHET cannot restrict students to certain programmes, referring and directing them to programmes that may be ideal for their specific disabilities, will assist in their pass rates and also in directing academic support resources.

It is most important to develop a costing model for various types of disabilities to ensure that all disabilities are properly catered for. Forming partnerships with communities and other government departments in the field, will be critical.

Good practices in institutions are slowly emerging, indicating the development of pockets of excellence in disability support provision, from the most basic to sophisticated levels of support. As each institution of higher education upgrades the services offered to students with disabilities and some begin to offer enriched curricula to pre-set teacher-training aimed at sharpening the knowledge on inclusive teaching, so does the PSET system begin to respond systemically to the need to mainstream disability inclusion in the PSET system in South Africa. This organic (????) development is welcomed.

The DHET will ensure standardisation of institutional models and services for people with disabilities through developing relevant models and setting norms, standards and guidelines for institutions.



(f) Developing norms, standards and guidelines

The *White Paper for Post-School Education and Training* directs the *Strategic Policy Framework on Disability* to set norms and standards for the integration of students and staff with disabilities in all aspects of university or college life, including academic life, culture, social, sport and accommodation. Such an approach will attempt to prescribe guidelines for reasonable accommodation practices for students and staff with disabilities.

In addressing disability, a holistic approach is necessary, taking into account the built environment as well as the use of specialised technology, assistive devices and assistive services geared for people with disabilities.

The DHET will develop national norms, standards and guidelines (where they do not exist) for the inclusion of students and staff with disabilities in implementation in the PSET system.

(g) Standardising institutional policies

Public institutions have a range of institutional policies that govern and guide them in their operations. The policies, however, differ greatly, with some not addressing all the core areas necessary and others not underpinning the *UNCRPD* and its protocol and other government policies. In many instances there is a gap between the implementation of the policies and costing and budget allocations not being taken into account.

Greater emphasis is needed on the development of plans to guide policy implementation.

The *Strategic Policy Framework on Disability* calls for the critical analysis of current policies in terms of inclusion of people with disabilities, the identification of gaps and addressing these gaps by updating existing policies and developing new policies where necessary.

The DHET will assist institutions by developing guidelines for the analysis of existing policies and the development of new institutional policies for the inclusion of people with disabilities.

The DHET will design institutional policies that include people with disabilities in their monitoring framework.

(h) The professionalisation of disability rights units and student support services

Currently PSET institutions, especially TVET and CET colleges, struggle to cater for students with disabilities as they lack capacity and funding. Firstly, many of these institutions do not have fully functioning Disability Rights Units (DRUs) or Student Support Services (SSS) in place, and secondly, if DRUs/SSS or similar units are in existence, there are insufficient qualified staff working in the units. This highlights the fact that there is a dire need for professional and skilled staff to work in DRUs/SSS. It is worth mentioning that SSS units, where they exist, were not originally meant to serve students with disabilities, hence the rejection that has historically been experienced by students with disabilities.



Training and professionalising staff working in DRUs/SSS, is limited and very few opportunities or accredited programmes are available. At the moment institutions co-opt staff from unrelated departments or positions. This only adds to the problem of the lack of professional and skilled staff in DRUs/SSS.

Currently some basic training is provided through regional training sessions and support. Courses offered by higher education institutions and stakeholders provide an opportunity to obtain a professionally accredited qualification and address the need for professional staff development and services.

Staff in DRUs/SSS varies with regard to occupations, occupational types, specialisations and designations. In order to professionalise the services, the DHET will provide minimum norms and standards for staff and provide guidelines for training, career pathing and professional development.

(i) Funding strategies

Funding is needed for staff (including assistive devices and support services), students (including tuition fees, support services and assistive devices), and DRUs/SSS in order to provide accessible infrastructure across the PSET system. There is no uniform funding model to provide sufficient funds for services to staff and students with disabilities.

The *White Paper for Post-School Education and Training* acknowledges that in order to achieve the imperatives set out in the White Paper and other policy and legislative frameworks for people with disabilities, some level of differentiated funding provision is necessary. Thus a 'differentiated approach to disability based in the existing resources and needs of these institutions will be considered so as to meet the benchmarked standards outlined in the national policy framework on disability.'

In order to ensure that the same standards are adhered to, a set of universal access criteria should be used when doing audits.

The DHET, in collaboration with institutions, must develop multipronged funding strategies for the inclusion of people with disabilities in the PSET system. The NSFAS guidelines need to be revised to include an increase in the cap per student and the removal of the means test to accommodate students with disabilities and disability services at PSET institutions.

3.3.2 Accessible teaching, learning, recreation and support environment

This strategic objective is aligned with the following Pillars of the *WPRP*:

- Pillar 1: Removing barriers to access and participation
- Pillar 3: Supporting sustainable integrated community life
- Pillar 4: Promoting and supporting the empowerment of persons with disabilities



- Pillar 5: Reducing economic vulnerability and releasing human capital.

The concept of access for people with disabilities is much wider than access to teaching and learning and the physical educational environment. The term, 'Universal Access', was developed internationally. Although mostly focusing on the physical environment, for the purpose of the *Strategic Policy Framework on Disability* in the PSET system, it means the removal of all barriers - cultural, physical and other barriers that prevent people with disabilities from entering, using or benefiting from the various systems of the PSET system that are available to other students. The absence of accessibility or the denial of access creates the loss of opportunities to take part in the community on an equal basis with others.

Ensuring an accessible teaching, learning, recreation and supporting environment entails the following:

(a) Teaching and learning

Teaching and learning practices as well as the pedagogical design of curricula should reflect the context of social inclusion in institutions. This *Strategic Policy Framework on Disability* calls for critical engagement and improvement of current teaching and learning practices as well as pedagogical design of curricula in the context of inclusion of people with disabilities.

Institutions should identify the unique needs of vulnerable students and staff, and provide infrastructure and support for teaching and learning.

The *White Paper for Post-School Education and Training* argued for improved communication between the Department of Basic Education and the DHET on disability to facilitate greater access for people with disabilities to educational and training opportunities and funding in the PSET system.

There is a general expectation that entry requirements for students with disabilities who want to access post-school institutions, should be lowered. The Ministerial Committee warned that this expectation should be approached with caution. The better option is to introduce bridging programmes, and where necessary, extended programmes for students with disabilities. This will allow students with disabilities to successfully access and complete learning programmes.

The 'Regulations for reporting by Public Higher Education Institutions' already requires that public higher education institutions, in their annual Report on Transformation, report on initiatives that are designed to assist people with disabilities with regard to teaching, learning and research activities. Other PSET sector institutions will be required to also integrate the inclusion of people with disabilities in their annual targeted plans and report annually on the implementation of these plans.



(b) Access to the physical environment

Access to the physical environment refers to the following: physical infrastructure, public transport, access to the learning environment, ICT and assistive devices.

The accessibility of the physical environment remains a big challenge for PSET institutions, as many buildings are very old - some even with historical status. Creating an accessible environment thus remains high on the agenda. If the physical environment is not accessible, it belies the point of creating an accessible learning and teaching environment. Although physical access issues are often considered, some may never be implemented owing to misconceptions that the cost is too high to cater for only a small number of users. If accessibility audits to identify and remove potential environmental barriers are done at the beginning of infrastructure development, it will ensure an inclusive, safe and secure environment from the start and allow for cost-saving by minimising the need for expensive modifications later. The DHET has continued to fund infrastructure development for accessibility to students with disabilities within the PSET system.

Institutions need to allocate adequate resources in their Medium-term Expenditure Framework/Budgeting Framework for the provision of an enabling environment for persons with disabilities, staff and students alike. Such allocations should take into consideration the costs associated with the purchasing of assistive devices, equipment, furniture and other work facilities that meet the needs of persons with disabilities. Procurement of personal or human support for students with disabilities should also be budgeted for the entire duration of the academic year.

In ensuring an accessible environment, universal access principles for reasonable accommodation should be used.

Public and campus transport should be accessible to students with disabilities. The PSET institutions and the Department of Transport should work together to support effective and accessible transport for students with disabilities.

In order to remove barriers in the learning environment and to accommodate students with disabilities it is important to ensure that the necessary assistive devices, including ICT infrastructure and programmes and the appropriate teaching and learning methodologies are in place early in the year so that students with disabilities will not end up under-performing owing to late provision of assistive technology, assistive devices and resources, including human support, where necessary. Without this, students with disabilities will not be able to compete on an equal level with their peers.

Broader access will remain a challenge without the necessary funding. It is important that sufficient funding is available to institutions to ensure an accessible environment.

The DHET will provide:



- guidelines, norms and standards for physical infrastructure
- guidelines, norms and standards for assistive devices
- a model for the provision of assistive devices to be shared amongst institutions and students
- funding strategies to DRUs/SSS to ensure an accessible environment.

(c) Standardising support services

Most universities have some form of formalised services available to students with disabilities, but there is no consistency in what is offered, or even minimum standards to adhere to. TVET colleges have included people with disabilities in their Student Support Services (SSS), but there is a lack of consistency in what is offered at these colleges, and minimum standards to adhere to. CET colleges are lagging behind in formalised services for students with disabilities.

To add to the predicament where support services are offered, these services are also known under different names. This illuminates the bigger problem of standardisation.

Currently only 73% of public higher education institutions have established DRUs, which are all functioning at different levels. The last Disability Road-show conducted by the former Department of Women, Children and People with Disabilities in 2013, corroborated the observation that there is no consistency in the nature of support services offered to students and staff with disabilities. This relates to the type and quality of services, the policies governing the services, name of units, budget allocation, staff component and reporting lines. The functions vary vastly but most DRUs are generally responsible for facilitating access to basic reasonable accommodation in terms of facilities and study material, ensuring extra time for completion of tests and examinations, computers with specialised software, providing computers for answering of examination questions, sensitising lecturers and management to the needs of students, the level of support required, and examination-related assistance required by students with disabilities. They have largely been responsible for raising awareness of disability and advocacy within institutions.

According to information that the Ministerial Committee received in early 2015, the picture is unfortunately worse for TVET and CET colleges, with very few institutions able and/or willing to support students with disabilities. The DHET also reported that no formalised services are offered at CET colleges.

There needs to be consistency in

- what name is given to services for students with disabilities to make them easily identifiable
- the minimum level of services that students can expect
- the implementation and monitoring of these levels.

It is evident that one consolidated framework needs to be in place to ensure that all students in the PSET sector will be able to access the necessary support so that, in keeping with their human rights, they will experience equal access and success in the PSET sector.



(d) Career development for students with disabilities

Students with disabilities face challenges in terms of career opportunities and pathing. At school level subject choices for these students are usually limited. Special schools often do not offer the full range of subjects which means that the students do not meet the entry requirements for certain learning programmes/institutions. The DHET's Khetha Career Development Services play a pivotal role in this regard.

In collaboration with DRUs and SSS, special attention should be given to the career development of students with disabilities. Career development services (meaning career guidance, advice and information) form a crucial part of guiding the students into learning and career paths. Collaboration with the Department of Basic Education (DBE) and in particular, curriculum support for special schools, should be encouraged.

Institutions have to forge strategic partnerships and establish links between institutions and the workplace in order to give students with disabilities access to work-based opportunities during and upon completion of their programmes. This is in line with the directive from the *White Paper for Post-School Education and Training*.

The DHET should ensure that the career development of students with disabilities is addressed in their current career development service initiatives.

(e) Sport and recreation

The ability of sport to transcend barriers makes it an excellent platform for transformation and inclusion strategies, particularly in terms of persons with disabilities. The addition of arts and culture to sport development is seen as promoting inclusion in a more holistic and generic manner. Stigmatised and discriminatory perceptions of persons with disabilities in society as a whole and particularly at PSET institutions form the basis of exclusion. However, sport can help to reduce such stigmas and discrimination by highlighting the skills and abilities of persons with disabilities.

The research conducted by the Ministerial Committee highlights the gaps and challenges in the PSET sector in terms of the inclusion and mainstreaming of students with disabilities in sport and recreation. In order for disability sporting codes and the athletes participating in these to grow and develop (particularly at the national and international level), specific initiatives are required.

Although some universities have a disability sport policy in addition to a disability policy, and many universities have only a disability policy (although this often does not address sport and recreation), this is not the case for TVET and CET colleges. There is thus a clear need for assistance to all PSET institutions to create, maintain, implement and evaluate standardised sport and recreation policies for students with disabilities. This process should be based on strategic planning and include the clarification of roles and responsibilities of the various role-players, particularly PSET institutions.



The DHET, under the leadership of the Department of Sport and Recreation (DSR), will develop a shared vision for disability sport at PSET institutions, which includes assistance to the institutions to create, maintain, implement and evaluate standardised sport and recreation policies for students with disabilities.

3.3.3 Coordination and cooperation across the PSET system

This strategic objective is aligned to the following Pillars of the *WPRPD*:

- Pillar 7: Building a disability equitable state machinery
- Pillar 9: Institutional arrangements

In order to ensure that services for students with disabilities are available and aligned, coordination is essential. The DHET is responsible for coordination of the inclusion of people with disabilities in the PSET system. The *White Paper for Post-School Education and Training* emphasised that 'It is essential that the post-school sector is linked with other sectors addressing disability, such as Health, Social Development and Basic Education.'

Effective cooperation and coordination between key stakeholders, and especially cooperation between various government departments, is necessary. The key stakeholders are:

- DHET institutions
- Department of Social Development (providing the framework and guidance for the inclusion of people with disabilities)
- Department of Basic Education (ensuring a smooth transition from school to post-school)
- Department of Labour (ensuring that employment opportunities for students with disabilities are created and communicated)
- National Treasury (ensuring that funds are available)
- Department of Health (ensuring that medical assistance is available).
- Department of Public Works (assisting with accessible infrastructure)
- Department of Telecommunication and Postal Services (developing strategies that will provide people with disabilities with equal opportunities for access to information and connectivity),
- Department of Sport and Recreation (promoting inclusion in mainstream sport and recreation opportunities)
- National Defence Force, Correctional Service, Public Works and the South African Police Services (providing large scale employment to people with disabilities).
- Additional stakeholders include other government departments, various non-profit organisations such as HEDSA, disability organisations and SETAs.

The DHET is well positioned to facilitate cooperation and support between the different stakeholders.



The establishment of a structure to formalise cooperation and coordination is necessary and the DHET should take the leadership role in this regard. Once this has been established, the roles and responsibilities of the different stakeholders should be identified and described.

In order to move towards a disability-inclusive society, the DHET, institutions and other stakeholders should have a common understanding of people with disabilities and adopt a set of common objectives with regard to their inclusion. These include:

(a) Leadership in the inclusion of people with disabilities in the post-school education and training system

The DHET and its institutions should provide leadership regarding the inclusion of people with disabilities in the PSET system. They should work together and devise deliberate steps to build cohesive institutions that attach value to nation building and a South African identity based on constitutional values as outlined in Chapter 2 of the Constitution, the Bill of Rights.

The DHET and its institutions should collaborate to ensure that all people with disabilities (staff and students) are able to express their identities without fear within the values of the Constitution as articulated in the Bill of Rights.

The *White Paper for Post-School Education and Training* acknowledges the necessity of DHET's capacity to support a new approach to addressing disability within post-school education and training institutions. This includes information management, research into disability, policy development and support, and provision of the necessary resources to enable transformation in this area.

The Implementation Plan for the White Paper for Post-School Education and Training that is in development will critically address the issue of capacity and funding of the new approach to mainstreaming and inclusion of people with disabilities in the PSET system.

The DHET should work with institutions, government departments, disability organisations and associations in creating a unified inclusive PSET system where government initiatives driven by other departments, are implemented in a coordinated and planned manner.

The DHET should work together with disability groups, civil society groups and public institutions to ensure that advocacy campaigns are undertaken to strengthen social inclusion and cohesion.

The DHET will set up a National Forum for the Inclusion of People with Disabilities in the PSET system (NFIPD) to ensure cooperation and coordination between the relevant stakeholders. The DHET is well-positioned to involve all key stakeholders in coordination and cooperation and should take the responsibility to establish such a structure.



(b) Commitment by senior managers and institutional managers to promote disability equity

Who increase the commitment of senior managers/institutional managers to disability issues, disability equity needs to be included in the performance agreements of all senior managers/institutional managers within a department/institution as a strategic priority under the Core Management Competencies of Change Management and People Management and Empowerment.

(c) Development of retention strategies for both staff and students with disabilities

Many departments have no retention strategies in place specifically focusing on persons with disabilities. It is imperative that departments develop such strategies in order to meet and maintain their equity targets. As part of the retention strategies, departments should conduct entrance and exit interviews with persons with disabilities to establish what attracted them to the department and why their services could not be retained.

The throughput/success rate of students with disabilities is much lower than those of people without disabilities. For students it is important that DRUs and SSS follow students with disabilities in their studies and monitor progress to ensure that students receive or are accorded maximum support to succeed in their studies and to minimise student drop-out.

According to the *White Paper for Post-School Education and Training*, special attention should be given and targets set, not only for access to teaching and learning opportunities in the PSET system, but also for throughput rates of students with disabilities.

3.4 The importance of systematic monitoring and evaluation

Monitoring and evaluation is a process that not only reports on achievements, but also helps in improving performance and achieving results. The goal is to improve the current and future management of services to students with disabilities.

The DHET has international obligations to report on as well as national obligations. These are briefly discussed in the following two points.

3.4.1 South African Human Rights Commission

The SAHRC is a national Chapter 9 institution established under the Human Rights Commission Act (Act 54 of 1994) that works independently to promote, protect and monitor human rights including the rights of people with disabilities. It promotes, protects and monitors the observance of human rights. It provides human rights training and conducts research on human rights. It also mediates or litigates on behalf of those who have been victims of human rights violations.



The SAHRC identified seven key strategic focus areas in order to effectively fulfil its mandate of promoting, protecting and monitoring the realisation of human rights in South Africa. Each of the Commission's seven commissioners are assigned a strategic focus area and 'Disability and Older Persons' is one of the key strategic areas. The Committee on the Rights of Persons with Disabilities was established to monitor the mainstreaming of people with disabilities and report to Parliament.

Each year, the Commission should require relevant organs of state to provide the Commission with information on the measures that they have taken towards the realisation of the rights in the Bill of Rights concerning housing, healthcare, food, water, social security, education and the environment.

3.4.2 The Disability Inequality Index

In her Budget Vote Speech on 10 May 2016, The Minister of Social Development, Ms Bathabile Dlamini, MP announced the implementation of the *Disability Inequality Index*, in collaboration with StatsSA. Although the *Disability Inequality Index* is new, it operates within the context of the Human Development Index, the Gender Inequality Index and the Development Indicators (as managed by the Department of Social Development). The *Disability Inequality Index* is an index for measurement of inequality between persons with disabilities and persons without disabilities. The purpose of the *Disability Inequality Index* is to measure integrated progress and change in relation to equity for persons with disabilities over time nationally, provincially and per primary domain.

The *Disability Inequality Index* has been developed by the Department of Social Development and will be reported on annually, in the context of the MTSF 'Outcome 14 – Nation Building and Social Cohesion'. It is envisaged that there will be a 5% improvement for people with disabilities by 2019.

It is a new index - a pioneering initiative with no international comparison.

The *Disability Inequality Index* is not a substitute for the disability rights monitoring and evaluation framework that should be embedded in the government monitoring and evaluation system.

The DHET will embark on systemic monitoring and evaluation of disabilities in the PSET sector.

3.4.3 Common indicators to measure progress in the achievement of inclusion of persons with disabilities in the Post-School Education and Training System

As numerous documents in South Africa have already set targets for persons with disabilities in the PSET, such as The *National Development Plan 2030 Persons with Disabilities as Equal Citizens* and the *Employment Equity Act* (Act 55 of 1998) and various processes that require monitoring reports are in place, the DHET has to consolidate the different requirements for reporting.



As stated in the *Policy Framework for the Realisation of Social Inclusion in the PSET System*, much work has been done internationally in developing measures that capture significant dimensions of social inclusion, including the inclusion of people with disabilities.

As part of the implementation of the *Policy Framework for the Realisation of Social Inclusion in the PSET System*, the DHET will, in consultation with institutions and stakeholders, identify drivers for the inclusion of people with disabilities and develop indicators to be used for the appraisal of the DHET and its institutions and entities. This will form part of the Social Inclusion Review and Improvement Model (SI-RIM) that can be used by the DHET and its institutions to collect data and to measure progress in the process of social inclusion.

3.4.4 Targets for inclusion of persons with disabilities in the Post-School Education and Training System

The DHET has to embark on an in-depth analysis of all targets for the PSET system pertaining to persons with disabilities. These include the PSET system's targets, but also national and international targets set through other national processes and international treaties and obligations.

The DHET has to work with a range of stakeholders in the setting of funded targets for persons with disabilities in the PSET system. Once approved, these targets should be clearly communicated to somebody in the system. It is also important that everyone in the system should know how these targets will be monitored and reported.

The *White Paper for Post-School Education and Training* directs all PSET institutions to address disability within institutional contexts and to develop institutional policies and targeted institutional plans to address disability, taking into account their current provision for the disabled.

3.4.5 Standardising a data reporting system

In order to report on targets and to monitor the achievements of the PSET system, it is important to report on the current discrepancy between HEMIS and TVETMIS data and information reported by institutions. The question remains why DRUs usually report a higher number of what??? than what is reflected in the DHET data.

All PSET institutions have to use a uniform classification framework for recording purposes on the DHET's databases to ensure the standardisation and integrity of data on students with disabilities.

The *Regulations for Reporting by Public Higher Education Institutions*, Higher Education Act No. 101 of 1997, Section 41 read with Section 69, as published in Government Gazette No. 37726 Notice No. 464 of June 2014 and HEMIS submissions to the DHET, will enable the DHET to receive reports on people with disabilities from public universities. Currently universities are reporting



annually to the DHET as prescribed by the regulations. Performance indicators for inclusion of people with disabilities will be included as part of the governance indicator process.

The same process will apply to public TVET and CET colleges. In terms of Section 12(1) of the CET Act of 2006, College Councils are encouraged to establish special sub-committees. One of the sub-committees will be a College Transformation Sub-Committee that will support and monitor social cohesion and inclusion programmes at each college. TVET and CET colleges will follow a similar integrated reporting mechanism as universities to report annually on national action plans on social inclusion.

A standardised framework for all institutions has to be developed and implemented to collect data on persons with disabilities. This will ensure parity in DHET and institutional statistics and provide an objective picture regarding the number of students with disabilities in the PSET sector.

The DHET, in consultation with institutions and stakeholders, will develop a standardised framework for reporting data on disability. The DHET will produce an annual publication on disability data in the PSET system that will be used as the standard data for all reporting.

3.4.6 National strategic reports for persons with disabilities in the Post-School Education and Training System

The DHET has to monitor the effectiveness of the implementation of this *Strategic Policy Framework on Disability* and the progress made in terms of realisation of its objectives in the PSET system. As outlined in the *Policy Framework for the Realisation of Social Inclusion in the Post-School Education and Training System*, the DHET must not only report on progress and effectiveness of social inclusion, but also report on performance plans and planning frameworks of government and provide reports on the dimensions and elements of social inclusion to other departments to comply with treaty and agreement arrangements as well as their performance plans and planning frameworks.

While indicators are necessary to identify critical factors, a standardised process of collecting data and report on progress should be adopted.

The DHET, in consultation with institutions and stakeholders, will develop a standard for national strategic reports on the inclusion of people with disabilities in the PSET system and publish it annually. These reports will contain the data that departments, organisations and associations need for their own reporting. This mechanism will enable the DHET to fulfil its national, regional and international obligations to report on issues of social inclusion. Relevant and cross-cutting national reports, as well as regional and international instruments, will be covered through this standard.



3.4.7 Assessment of the implementation of the *Strategic Policy Framework on Disability*

The PSET system needs to know how the policy will be monitored, who will monitor the policy implementation, and how the results of monitoring exercises will be used to improve policy implementation. It will on the other hand also cover the issues of indicators, data collection and national strategic reports to determine the inclusion and support of people with disabilities in the PSET system.

The two monitoring endeavours however, are not mutually exclusive and have to be coordinated throughout implementation.

The mechanism of indicators and national strategic reports will enable the DHET to fulfil its national, regional and international obligations to report on issues of social inclusion. Not only will external reporting (national targets, national initiatives and international treaties and obligations) be covered through this standard, but it will also be used for the monitoring and evaluation of the inclusion of people with disabilities in the PSET system.

3.4.8 Developing a monitoring framework and toolkit for institutions

In order to navigate the above complex context of monitoring and reporting, it is necessary to develop resources for institutions to monitor and report on the inclusion of people with disabilities.

The DHET will develop an inclusive monitoring framework on the Assessment of Disability Equity in the PSET system. The inclusion of the above processes and requirements can include, but are not limited to a monitoring framework, handbook/guideline, and a toolkit for PSET institutions.

3.4.9 Advocacy and communication

The field of disability is complex and it is therefore important to sensitise people and create awareness about every aspect that has an impact on the life of staff and students with disabilities. This includes aspects such as sport and recreation, social activities as well as teaching and learning activities. Creating awareness about compliance requirements is also important.

Mutual learning and exchange on the inclusion of people with disabilities in the PSET system should be at the forefront of the implementation of the *Strategic Policy Framework on Disability*.

The DHET, institutions and stakeholders should continuously engage in the bigger issues of the rights and inclusion of people with disabilities in the PSET system. All departments and institutions, through the DRUs/SSS need to ensure that disability awareness becomes a critical function within the organisation. The recognition of Disability Month should be demonstrated by all institutions.

Institutions should embark on extensive disability awareness campaigns focusing on all aspects associated with the employment and studies of persons with disabilities. The assistance of



organisations representing the disabled can be obtained to assist in developing the contents of such programmes.

Dialogue in all areas affecting people with disabilities should be established and nurtured. The DHET, with the NFIPD, will engage in planned activities to enable mutual learning and exchange on the inclusion of people with disabilities in the PSET system. These include, but are not limited to publications, seminars, round tables and a biennial conference on disability in the PSET sector.

An integral part of awareness campaigns should be the education of managers around the requirements of targeted recruiting mechanisms and the practical implications of employing persons with disabilities such as reasonable accommodation and workstation requirements.

The same level of awareness needs to be instilled in students with disabilities. One of the tasks of the DRUs or SSS is that of advocacy to ensure that people with disabilities understand the importance of self-identification and the provision of an enabling and accessible environment to students and staff with disabilities. It is important that DRUs and SSSs have an awareness programme in place aligned to the institution's disability policy.

The DHET and its institutions will develop advocacy and awareness plans and programmes in line with the Department's disability policy that the DHET will monitor on an annual basis. The DHET encourages institutions to develop student leadership in disability issues and to engage with students and staff on an on-going basis on the inclusion of people with disabilities.

Institutions should continuously advocate and communicate to ensure the inclusion of people with disabilities.



Strategic Policy Framework on Disability for the Post-School Education and Training System

Part 4

`CHANGE WILL NOT COME ABOUT WITHOUT SOME FAR-REACHING INTERVENTIONS.'

President Jacob Zuma, State of the Nation Address, 17 June 2014



4. POLICY IMPLEMENTATION

Implementation is at the heart of any policy or policy framework. As per the definition, disability involves social inequality and experienced barriers. The outcomes of this policy framework, viz.: people with disabilities enjoy equal opportunities in the PSET system; services for people with disabilities are offered without any prejudice and accessibility of PSET institutions for people with disabilities, have to be aspired to. The process has to be carefully planned, communicated, implemented, monitored and evaluated. This section does not aim to provide a detailed implementation plan. Instead, it provides a high-level implementation strategy.

As the Strategic Intent has already formulated the policy instruments and mechanisms to be used in its implementation, it is not covered in this section. This section addresses the issues of funding, coordination and strategic leadership, as well as providing a high-level implementation plan.

4.1 Coordination and strategic leadership

The DHET and PSET institutions collectively should provide leadership in implementing the inclusion of people with disabilities in the PSET system. It should be built on a common understanding of, and adoption of a set of common social inclusion objectives. The DHET and PSET institutions also have to devise deliberate steps to build cohesive institutions that attach value to nation building and a South African identity.

The DHET will take the lead in this process through a series of position papers that will be debated at different forums, and through formulating recommendations for implementation.

Of importance is that the DHET and PSET institutions should collaborate in ensuring that all staff and students are able to declare their disabilities without fear within the values of the Constitution, as articulated in the Bill of Rights.

The DHET should work with government departments, disability organisations, and other associations in creating a unified inclusive PSET system in which government initiatives, driven by other departments, are implemented in a coordinated and planned manner.

In the short term (2018/9 – 2020/1 [2 years]) the DHET will work closely with institutions and other departments to develop and implement plans and instruments to assist institutions in the implementation of inclusion of persons with disabilities.

The DHET will work with other government departments, agencies, organisations and institutions to carefully plan, communicate, implement, monitor and evaluate the inclusion of people with disabilities in the PSET system. It will work specifically with core (relevant) government departments towards the improvement of coordination between these departments such as the Departments of Basic Education, Social Development, Women, Health and Home Affairs.



Other departments have specific transformation agendas that address social inclusion such as the Departments of Science and Technology (people with disabilities in science and technology) and the Department of Telecommunication and Postal Services (people with disabilities in the communication sector) to name only two. The DHET will form partnerships with these departments in order to support the national social inclusion agenda.

The DHET will set up an NFIPD as part of the National Social Inclusion Forum (NSIF) that will guide and monitor the implementation of this policy framework that has representation from government, disability groups, civil society groups and public institutions.

4.2 National and institutional policies

The DHET will conduct a critical analysis of all national policies and legislation around people with disabilities that create an enabling environment for the inclusion of people with disabilities in the PSET system. The DHET will communicate and advocate the legislative and policy environment throughout the PSET system.

In the short term, public institutions are to finalise their institutional policies that govern and guide the inclusion of people with disabilities where these policies do not exist. At the end of 2019/20 the DHET will conduct a study on the scope and effectiveness of institutional policies.

4.3 Indicators, data collection and national strategic reports

It is important that the DHET within the first year of implementation, supports the initiation of the process of developing indicators, targets, as well as a standardised process of collecting and reporting on progress on the inclusion of people with disabilities. By the end of 2019/20 standardised national strategic reports for social inclusion in the broader sense and for the inclusion of people with disabilities in particular in the PSET system, will be adopted and reported (both the DHET and its institutions). These include the data and information needed for relevant and cross-cutting national reports, as well as regional and international instruments.

In the medium to long term, the effectiveness of the enabling environment that has been created will be constantly monitored and reported.

4.4 Institutional implementation

As outlined, a critical analysis of current institutional policies will identify gaps and make recommendations for improvement in implementation.

During 2019/20, based on this analysis, institutions will include the needs of people with disabilities in their annual action plans, and report from 2020/1 annually on the implementation of these plans. These include the requirement that institutions, in the short to medium term, demonstrate that teaching and learning as well as institutional infrastructure and programmes are deployed to realise the inclusion of people with disabilities.



Because of the different levels of inclusion of people with disabilities in different institutional types, the implementation focus will not be the same for all institutional types.

Institutional implementation focus has to include the following:

- i. governance, including representation and freedom of association
- ii. capacity building of council members and staff in understanding and implementing disability rights
- iii. democratic representation of staff and students with disabilities
- iv. Student Representative Councils should take leadership in transformation agendas for students and staff with disabilities
- v. transformation-supporting policies and guidelines with regard to teaching and learning, staff promotion and clear indicators according to the Employment Equity Act - employment equity should be part of the Vice-Chancellors' and Principals' employment contract
- vi. improving access for persons with disabilities to teaching and learning and support services
- vii. ensuring universal access to all infrastructure, assistive devices and ICT
- viii. improving financial support to persons with disabilities
- ix. effective and efficient student support services for persons with disabilities
- x. supporting current government efforts aimed at addressing financial support in institutions through increased NSFAS financial allocations and new management systems, as well as the recent focus on the 'missing middle'
- xi. supporting the Ministerial Statements on Disability Funding and the norm that all infrastructure programmes have to address disability issues
- xii. establishing dialogue forums at all levels to nurture a culture of debate and democratic participation in public affairs concerning people with disabilities
- xiii. DRUs and SSS in institutions should prioritise the promotion of a healthy lifestyle for persons with disabilities on and off campus, assist staff and students in health-related queries and specifically conduct a HIV and AIDS information and awareness campaign
- xiv. promotion of inclusive social, cultural and sport activities.

4.5 Funding strategy

The DHET is realistic about the fiscal constraints affecting government, and therefore accepts that the imperatives for a disability inclusive PSET system will require investment from current subsidies and funding sources. Integrated planning and implementation within current budgets will need to be fast-tracked.

Universities already have DRUs, and financial allocations to universities include infrastructure funding for universal access to the built environment and support to students with disabilities. TVET and CET colleges are building their funding frameworks to include people with disabilities through their normal funding allocations.

The NSFAS scheme for students with disabilities is already in existence. This scheme has to be reviewed and amended to be more inclusive of people with disabilities as well as include



students from TVET and CET colleges. Additional to the allocation given to students with disabilities for assistive devices, NSFAS has to communicate its support to students with disabilities more prominently on their website and in promotional materials.

The DHET will develop a multipronged funding strategy for mainstreaming and the inclusion of persons with disabilities in the PSET system.

4.6 Monitoring and evaluation

Monitoring and evaluation of the inclusion of people with disabilities will take place at two levels. Common indicators will be developed and agreed upon to measure and report on the progress in the implementation of the *Strategic Policy Framework on Disability*. Important is that this mechanism will also be used to make recommendations on how to improve the implementation of the inclusion of people with disabilities in PSET institutions.

The envisaged development and implementation of the SI-RIM will create mechanisms and instruments for monitoring and evaluation.

The publication of national strategic reports will report on:

- i. progress on the inclusion of people with disabilities in the PSET system
- ii. evaluate the effectiveness of strategic interventions of the *Strategic Policy Framework on Disability*
- iii. provide information for national monitoring and evaluation mechanisms
- iv. report on international treaties and agreements.



4.7 High-level implementation strategy

The *Strategic Policy Framework on Disability* will come into full implementation in 2018/9. During 2017/18 preparations for the implementation will take place as per the implementation strategy.

The following high-level implementation strategy outlines the initiatives emanating from this policy framework and its envisaged timeframes (short-term, medium-term and long-term), as well as the responsibility for the initiatives for implementation.

The first step in the implementation of this *Strategic Policy Framework on Disability* will be the development of a detailed Implementation matrix with indicators, targets, timeframes and responsibilities. Timeframes are generally stated as short-, medium- and long-term, depending on the implementation details of the policy.

4.7.1 A standardised enabling environment

Initiative	Responsibility	Preparatory Phase 2017/8	Short-Term 2018/9 – 2020/1 (2 Years)	Medium-Term 2021/2 – 2024/5 (3 Years)	Long-Term 2024/5 and beyond
(a) Standardised model and approach to disability					
Advocate and communicate the definition, model and approach to PSET institutions and stakeholders	DHET				
(b) Standardised classification model for disability					
Standardise on, adopt and implement a common classification framework to identify and support students and staff with disabilities and to capture disability related	DHET Institutions				



Initiative	Responsibility	Preparatory Phase 2017/8	Short-Term 2018/9 – 2020/1 (2 Years)	Medium-Term 2021/2 – 2024/5 (3 Years)	Long-Term 2024/5 and beyond
statistics within the PSET sector					
(c) Focus on addressing vulnerable groups					
Adopt an action strategy, including policy and research, addressing challenges of vulnerable groups at PSET institutions	DHET Institutions Stakeholders				
(d) Critical analysis and adaptation of the legislation and policy environment					
People with disabilities are sufficiently included in the implementation plan of the White Paper for Post-School Education and Training	DHET				
Critically analyse all policies and legislation in the PSET system around the inclusion of people with disabilities and its impact on implementation and make recommendations on amending policies and legislation where necessary	DHET				
Communicate and advocate legislative and policy directives throughout the PSET system	DHET Institutions Stakeholders				
Implement legislative and policy directives throughout the PSET	DHET Institutions				



Initiative	Responsibility	Preparatory Phase 2017/8	Short-Term 2018/9 – 2020/1 (2 Years)	Medium-Term 2021/2 – 2024/5 (3 Years)	Long-Term 2024/5 and beyond
system	Stakeholders				
Develop guidelines for PSET institutions on policy and legislative compliance, including how non-compliance will be dealt with	DHET				
(e) Adopt sectoral institutional models for the inclusion of people with disabilities					
Audit existing facilities and evaluate existing disability facilities in different sectors	DHET Institutions				
Develop institutional models for TVET and CET colleges to cater for people with disabilities	DHET Colleges				
Develop a costing model for various types of disabilities	DHET				
Develop at least one centre per province to deal effectively with disabled students	DHET Colleges				
Develop standardised institutional models and services for people with disabilities	DHET Institutions				
(f) Develop norms, standards and guidelines					
Develop norms, standards and guidelines for institutions for the inclusion of students and staff with disabilities in	DHET Institutions				



Initiative	Responsibility	Preparatory Phase 2017/8	Short-Term 2018/9 – 2020/1 (2 Years)	Medium-Term 2021/2 – 2024/5 (3 Years)	Long-Term 2024/5 and beyond
implementation in the PSET system					
(g) Standardise institutional policies					
Develop guidelines for the analysis of existing policies and develop new institutional policies for the inclusion of people with disabilities	DHET Institutions				
(h) The professionalisation of Disability Rights Units and Student Support Services					
Provide minimum norms and standards for staff and provide guidelines for training, career pathing and professional development of staff with disabilities	DHET Institutions Stakeholders				
(i) Funding strategies					
Develop multipronged funding strategies for the inclusion of people with disabilities in the PSET system	DHET Institutions Stakeholders				
Revise NSFAS guidelines to accommodate students with disabilities and disability services at PSET institutions	DHET Institutions Stakeholders				



4.7.2 Accessible teaching, learning, recreation and support environment

Initiative	Responsibility	Preparatory Phase 2017/8	Short-Term 2018/9 – 2020/1 (2 Years)	Medium-Term 2021/2 – 2024/5 (3 Years)	Long-Term 2024/5 and beyond
(a) Teaching and learning					
Ensure the engagement and improvement of curricula and current teaching and learning practices to include people with disabilities	DHET Institutions Stakeholders				
Infrastructure audits/model included in 4.7.1 (e)					
Ensure that issues pertaining to the inclusion of people with disabilities are included in university bridging courses and in the Pre-Vocational Learning Programmes at TVET Colleges	Institutions				
Integrate the inclusion of people with disabilities in institutional annual targeted plans and	DHET Institutions				



Initiative	Responsibility	Preparatory Phase 2017/8	Short-Term 2018/9 – 2020/1 (2 Years)	Medium-Term 2021/2 – 2024/5 (3 Years)	Long-Term 2024/5 and beyond
reports on implementation					
(b) Access to the physical environment					
Develop norms, standards and guidelines based on the universal access principles for reasonable accommodation regarding infrastructure, assistive devices and equipment for both students and staff with disabilities	DHET Institutions				
Infrastructure audits/model included in 4.7.1 (e)					
Develop a model for the provision of assistive devices to be shared amongst institutions and students					
Funding strategies for DRUs/SSS, infrastructure, assistive devices and equipment included in 4.7.1 (i)					
(c) Standardisation of Support Services					
Develop norms, standards and guidelines based on the universal access principles for reasonable accommodation regarding infrastructure, assistive devices and equipment for both students	DHET Institutions				



Initiative	Responsibility	Preparatory Phase 2017/8	Short-Term 2018/9 – 2020/1 (2 Years)	Medium-Term 2021/2 – 2024/5 (3 Years)	Long-Term 2024/5 and beyond
and staff with disabilities					
Conduct a study of DRUs/SSS at different institutions and recommend consistent terminology and standards/guidelines for DRUs/SSS supporting people with disabilities	DHET Institutions				
(d) Career development for students with disabilities					
Develop career development initiatives for students with disabilities in the education and training system	DHET DBE DOL Institutions				
Forge strategic partnerships and establish links between institutions and the workplace in order to give students with disabilities access to work-based opportunities during and upon completion of their programmes	Institutions				
(e) Sport and recreation					
Create, maintain, implement and evaluate standardised sport and recreation policies for students with disabilities	Institutions DHET DSR				



4.7.3 Coordination and cooperation across the PSET system

Initiative	Responsibility	Preparatory Phase 2017/8	Short-Term 2018/9 – 2020/1 (2 Years)	Medium-Term 2021/2 – 2024/5 (3 Years)	Long-Term 2024/5 and beyond
Establish (under the National Social Inclusion Forum) a forum for the Inclusion of People with Disabilities in the PSET system (NFIPD) to formalise cooperation and coordination, as well as to improve inter-governmental and other stakeholder communication and collaboration	DHET Institutions DSD DSR DOL DST DOH NT DPW DTPS NDF DCS SAPS SETAs Other				
Include disability equity in the performance agreements of all senior managers/institutional managers	DHET Institutions				
Develop retention strategies for both staff and students with disabilities	DHET Institutions				



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4.8 Evaluation of the Policy Framework and its review

The accomplishments in the implementation of the *Strategic Policy Framework on Disability* will be evaluated at three critical stages, viz. short-term (2017/8 – 2020/1); medium-term (2021/2 – 2024/5) and over the long-term up to 2030 (to coincide with the NDP targets). However, through the National Strategic Reports, the DHET might determine gaps or propose necessary adaptation or revision of the *Strategic Policy Framework on Disability* so as to ensure relevancy.

4.9 Effective date of policy

The *Strategic Policy Framework on Disability* will come into effect on the date of publication in the Government Gazette.



Annexure A

Key international legal documents relevant to the education for persons with disabilities²

Instrument	Year	Entry into Force	Components relevant to the education for persons with disabilities	Number of signatory states	Number of state parties	South Africa
Universal Declaration of Human Rights	1948		Article 2, 25 and 26	-	-	-
International Covenant on Economic, Social and Cultural Rights	1966	1976-01-03	Article 2 and 13	71	164	Signed: 1994-10-03 Ratified: 2015-01-12
Convention against Discrimination in Education	1960	1962-05-22			102	Ratified: 2000-03-09
Convention on the Rights of the Child	1989	1990-09-02	Article 2, 23, 24, 28 and 29	140	196	Signed: 1993-01-29 Ratified: 1995-06-16
The Salamanca Statement and Framework for Action On Special Needs Education	1994		Entire Salamanca Statement	92	92	Adopted by the World Conference
Convention on the Rights of Persons with Disabilities and Optional Protocol to the Convention	2006	2008-05-03	Article 24	160	172	Signed: 2007-03-30 Ratified: 2007-11-30

² Retrieved from: United Nations Treaty Collection on 2016-12-22